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FILED
SEP 23 1982
ALEXANDER L. STEVAS,
CLERK

82-513

NO. _____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM 1982

MINTA H. REICHEL, AS A CALIFORNIA SHASTA COUNTY OWNER RESIDENT AND AS A NON-LAWYER LITIGANT APPEARING IN CALIFORNIA SHASTA COUNTY SUPERIOR COURT IN PROPRIA PERSONNA

PETITIONER

VS

CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES ET AL

RESPONDENTS

ON WRIT OF CERTIORARI TO THE UNITED STATES

COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITIONER'S APPENDIX

MINTA H. REICHEL,
P.O. BOX 2304
REDDING, CALIFORNIA 96099
TELEPHONE (916) 241-6772
PETITIONER APPEARING
IN PROPRIA PERSONNA

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CIBULA & CIBULA
ATTORNEYS AT LAW
1743 TEHAMA STREET
REDDING, CALIFORNIA 96001

ALVIN M. CIBULA
FRANKLIN S. CIBULA

MAILING ADDRESS
POST OFFICE BOX AM

MAY 22, 1973

MRS. MINTA REICHEL
1945 SHASTA STREET
REDDING, CALIFORNIA

DEAR MRS. REICHEL:

AS YOU KNOW YOU OWE THIS OFFICE THE SUM OF $585.33 WHICH IS COURT COSTS PLUS ONE-THIRD OF RECOVERY PER AGREEMENT. AS YOU ALSO KNOW BY MUTUAL CONSENT WE HAVE BEEN RELIEVED AS COUNSEL. THIS DOES NOT RELIEVE YOU OF THE DUTY TO PAY US A FEE. IN CALIFORNIA IF THE ATTORNEY IS TERMINATED PRIOR TO JUDGMENT HE IS ALLOED TO REQUEST HIS TIME, RATHER THAN THE CONTINGENT FEE. ALTHOUGH THIS IS FAR MORE THAN THE CONTINGENT FEE AGREEMENT WE ARE STILL WILLING TO ACCEPT OUR ORIGINAL CONTRACT WITH YOU.

WE REALIZE THAT YOU MUST PREPARE A JUDG-

MENT AND A COST BILL IN ORDER TO COMPLETE THE TRANSACTION. WE ARE THEREFORE WILLING TO ASSIST YOU IN PREPARING THOSE DOCUMENTS AT NO EXTRA CHARGE.

IT IS PARTICULARLY IMPORTANT THAT WE ASSIST YOU WITH THE COST BILL AS THERE ARE CONSIDERABLE WITNESS FEES AND OTHER COSTS WHICH CAN BE COLLECTED IF PROPERLY PREPARED.

WE DO NOT WISH TO IMPOSE OUR SERVICES ON YOU. WE ARE SATISFIED TO BE RELIEVED AS COUNSEL AND ARE ONLY LOOKING TO YOU FOR PAYMENT OF OUR BILL IN THE SUM OF $585.33. WE ARE HOWEVER, WILLING TO ASSIST YOU IN PREPARATION OF ALL FINAL DOCUMENTS IN ORDER THAT YOU WILL NOT HAVE ANY ADDITIONAL EXPENSES ON THIS CASE.

I WILL LOOK FORWARD TO HEARING FROM YOU IMMEDIATELY.

VERY TRULY YOURS,

CIBULA & CIBULA

FSC:cm

/s/FRANKLIN S. CIBULA
FRANKLIN S. CIBULA

SUPERIOR COURT OF THE STATE OF

CALIFORNIA FOR THE COUNTY OF SHASTA

MINUTE BOOK 100 HON. R.W. ABBE
PAGE 122
DATE MAY 14, 1973

(FILED MAY 15, 1973, RICHARD C. BRENNAN SHASTA COUNTY CLERK)

#42361

MINTA H. REICHEL,
PLAINTIFF

VS

CITY OF REDDING, ET AL,
DEFENDANTS.

MEMORANDUM OF DECISION

THE EVIDENCE PRESENTED IN THIS CASE ESTABLISHED THAT IN THE SPRING OF 1970 MRS. KINCAID, THE TENANT AND OCCUPANT OF PLAINTIFF'S PROPERTY, BECAME AWARE THAT CRACKS IN THE POOL APRON HAD BECOME MUCH LARGER AND MORE EXTENDED THAN THEY HAD BEEN PREVIOUS FALL WHEN THE POOL WAS COVERED. THIS WAS APPARENT TO HER UPON MAKING PREPARATIONS TO USE THE POOL FOR THE COMING SEASON BY CLEANING AND UNCOVERING, AND IT

ALARMED HER SUFFICIENTLY TO FEEL REQUIRED TO NOTIFY HER LANDLORD.

THE PHOTOGRAPHS TAKEN AND INTRODUCED INTO EVIDENCE CLEARLY INDICATE THAT CONSSIDERAL EXCAVATION OF THE CREEKBED OCCURRED AT THE NORTHEAST CORNER OF THE PLAINTIFF'S PROPERTY WHEN THE DEFENDANT CITY CLEANED OUT THE CREEKBED AND THE DEFENDANT OCHINERO COMMENCED CONSTRUCTION OF THE CULVERT FOR THE DEFENDANTS WOODWARD AND NICHOLS. THE PHOTOGRAPHS INTRODUCED INTO EVIDENCE HERE AS DEFENDANT'S EXHIBIT G AND PLAINTIFFS'S EXHIBIT 3-C SHOW QUITE CLEARLY THAT A GREAT DEAL OF THE CREEKBED WAS REMOVED FROM THE CRITICAL AREA. THE COURT IS SATISFIED THAT IT IS MORE THAN COINCIDENCE THAT THE WIDENING AND EXTENSION OF THE CRACKS OCCURED DURING THE TIME THE CITY AND OCHINERO WERE INVOLVED WITH THE EXCAVATION OF THIS AREA. THE EVIDENCE DID INCATE THAT THE PLAINTIFF WAS LOSING SOME

OF HER SUPPORT FOR HER NORTH WALL OVER THE YEARS, BUT THE AMOUNT OF UNDERCUTTING AND LOSS OF SUPPORT DRAMATICALLY INCREASED AT THE TIME OF THE ACTIVITIES OF THE DEFENDANTS IN THIS AREA. THE VISUAL EXAMINATION MADE BY THE COURT OF THE COMPLETED WORK OF CONSTRUCTION MADE IT CLEAR THAT THE NORTHEAST CORNER OF PLAINTIFF"S WALL CONTINUES TO BE SUBJECTED TO SCOURING AND EROSION DURING TIMES OF HIGH WATER AS A RESULT OF THE DEFENDANTS'WCRK OF CONSTRUCTTION TO THE DETRIMENT OF PLAINTIFF IN MAINTAINING THE SUPPORT OF HER POOL APRON AND EQUIPMENT. THE WING WALL HAS THE OBVIOUS EFFECT OF ALLOWING ADDITIONAL AND PERHAPS DISASTROUS SCOURING AND EROSION OF THE SOIL UNDER PLAINTIFF'S RETAINING WALL AND POOL APRON.

THE COURT IS SATISFIED BY A PREPONDERANCE OF THE EVIDENCE THAT PLAINTIFF'S PROBLEMS WITH THE POOL APRON AND THE ACCELER-

ATED UNDERCUTTING OF HER WALL IS THE RESULT OF THE ACTIVITIES OF THE DEFENDANTS EXCAVATING AND CONSTRUCTION WORK AND THAT THE COST OF REPAIRS AND CONSTRUCTION TO STABILIZE THE SITUATION AS IT NOW EXISTS IS THE SUM OF $985.00 PLUS HER COSTS OF SUIT.

CC: MINTA H. REICHEL

CLYDE SMALL
CHARLES C. DAWSON, JR.
LAUGHLIN, CRAIG & CHRISTENSEN

/s/R.W. ABBE
R.W. ABBE JUDGE

APP-M49a

SUPERIOR COURT OF THE STATE OF

CALIFORNIA FOR THE COUNTY OF SHASTA

MINTA H. REICHEL PLAINTIFF, VS CITY OF REDDING, ET AL) DEFENDANTS.	) NO. 42361)) FINDINGS OF FACT) AND CONCLUSIONS) OF LAW)

THE ABOVE-ENTITLED ACTION CAME ON REGULARLY FOR TRIAL ON APRIL 17, 1973, before THE ABOVE-ENTITLED COURT, SITTING WITHOUT A JURY, FRANKLIN CIBULA, OF THE LAW FIRM CIBULA & CIBULA, APPEARING ON BEHALF OF THE PLAINTIFF: CLYDE SMALL APPEARING ON BEHALF OF DEFENDANT CITY OF REDDING: MAYNARD CRAIG, OF THE LAW FIRM LAUGHLIN, CRAIG & CHRISTENSEN, APPEARING ON BEHALF OF DEFENDANT OCHINERO CONSTRUCTION COMPANY: AND ROLAND K. IVERSON, OF THE LAW FIRM RICH, FUIDGE, DAWSON, MARSH, SANBROOK & GROVE, APPEARING ON BEHALF OF DEFENDANT WOODWARD AND NICHOLS, AND THE COURT HAVING HEARD THE TESTIMONY AND HAVING EXAMINED

THE PROOFS OFFERED BY THE RESPECTIVE PARTIES, AND THE CAUSE HAVING BEEN SUBMITTED TO THE COURT FOR DECISION, AND THE COURT BEING FULLY ADVISED IN THE PREMISES, NOW MAKES ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW AS FOLLOWS:

FINDINGS OF FACT

1. THAT IN THE LATE WINTER AND EARLY SPRING OF THE YEAR 1970, THE DEFENDANT CITY OF REDDING CLEANED OUT THE CREEK BED AND EXCAVATED A PART THEREOF IMMEDIATELY TO THE NORTH OF A CONCRETE WALL OF THE PLAINTIFF. SAID WALL IS NECESSARY FOR SUPPORTING PLAINTIFF'S LAND TO THE SOUTH OF SUCH WALL AND TO KEEP INTACT HER SWIMMING POOL AND APPURTENANCES.

2. THAT THE DEFENDANT OCHINERO CONSTRUCTION COMPANY CONSTRUCTED A CULVERT ON THE LANDS OF THE DEFENDANT NICHOLS AND WOODWARD IMMEDIATELY TO THE EAST OF PLAINT'S PROPERTY, WHICH WORK INCLUDED CONSIDERABLE

EXCAVATION OF THE CREEK BED AT THE NORTH-EAST CORNER OF PLAINTIFF'S PROPERTY. THIS WORK CONSTRUCTION WAS UNDERTAKEN IMMEDIATELY AFTER THE DEFENDANT CITY OF REDDING HAD DONE ITS WORK OF EXCAVATION AND CLEARING.

3. THE WORK UNDERTAKEN BY THE CITY OF REDDING AND BY OCHINERO CONSTRUCTION COMPANY ON BEHALF OF NICHOLS AND WOODWARD COMBINED TO CAUSE AN UNDERMINING OF THE PLAINTIFF's WALL, A SUBSISTENCE OF HER LAND AND LOSS OF SUPPORT.

4. THAT THE COMPLETED WORK OF CONSTRUCTON CONTINUES TO SUBJECT PLAINTIFF'S LAND TO SCOURING AND EROSION UNDERNEATH HER WALL TO THE DETRIMENT OF PLAINTIFF IN MAINTAIN(ING) THE SUPPORT OF HER POOL APRON AND EQUIPMENT WHICH IF NOT ABATED WILL RESULT IN FURTHER UNDERCUTTING AND EROSION, AND LOSS OF STABILITY AND FURTHER DAMAGE TO PLAINTIFF'S PROPERTY.

5. THAT PLAINTIFF"S DAMAGES AND COST

OF CONSTRUCTION OF ADEQUATE WORKS TO PREVENT FURTHER DAMAGE IS THE SUM OF $985.00.

CONCLUSIONS OF LAW

AS A CONCLUSION OF LAW FROM THE ABOVE FACTS, THE COURT FINDS THAT PLAINTIFF IS ENTITLED TO JUDGMENT IN THE TOTAL SUM OF $985.00 AGAINST ALL THE DEFENDANTS HEREIN, PLUS HER COSTS OF SUIT.

DATED THIS 25th DAY OF MAY, 1973

/s/ R.W. ABBE
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

MINUTE BOOK 101 DEPT. II
PAGE 14 NON. R.W. ABBE
DATE JUNE 25, 1973

#42361

MINTA H. REICHEL,
PLAINTIFF,

VS

CITY OF REDDING, ET AL,
DEFENDANTS.

FILED JUNE 26, 1973

NATURE OF PROCEEDINGS - ORDER

THE COURT INADVERTENTLY NEGLECTED TO INDICATE THAT THE DOCUMENT SIGNED BY THE COURT AND FILED HEREIN MAY 25, 1973 WAS MERELY PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND IT WAS NOT THE INTENTION OF THE COURT TO SIGN THE FINAL FINDINGS AND CONCLUSIONS WITHOUT GIVING THE PARTIES AN OPPORTUNITY TO OBJECT AND TO BE HEARD ON THEIR OBJECTIONS REGARDING THE FINDINGS AND CONCLUSIONS. THE MEMORANDUM

OF DECISION MADE ON MAY 14, 1973 WAS MERELY A NOTICE OF INTENDED DECISION AND WAS NOT A JUDGMENT IN FAVOR OF PLAINTIFF.

A RE-EXAMINATION OF THE FACTS ESTABLISHED BY THE EVIDENCE AND THE LAW SATISFIES THE COURT THAT ITS ORIGINAL INTENTION TO FIND IN FAVOR OF PLAINTIFF AND AWARD HER DAMAGES IN THE SUM OF $985.00 WAS NOT SUPPORTED BY THE EVIDENCE AND WAS AGAINST THE LAW. IT IS UNFORTUNATE, OF COURSE, THAT AN ERROR WAS MADE, BUT IT IS OBVIOUSLY INCUMBENT UPON ME TO ADMIT THE ERROR, TO CHANGE THE DECISION, AND TO ENTER HEREIN THE ONLY DECISION THAT CAN BE JUSTIFIED PURSUANT TO LAW AND THE OVERWHELMING PREPONDERANCE OF THE EVIDENCE.

JUDGMENT SHALL BE ENTERED HEREIN IN FAVOR OF ALL DEFENDANTS AGAINST THE PLAINTIFF AND ALL OTHER ORDERS AND MEMORANDUM OF THE COURT CONTRARY TO THIS POSITION ARE HEREBY DECLARED INOPEATIVE. EACH PARTY SHALL

BEAR HIS OWN COSTS OF SUIT.

CC: MINTA H. REICHEL
CHARLES C. DAWSON, JR.
LAUGHLIN, CRAIG & CHRISTENSEN
CLYDE SMALL

/s/ R.W. ABBE,
R.W. ABBE, JUDGE

SUPERIOR COURT OF THE STATE OF

CALIFORNIA FOR THE COUNTY OF SHASTA

OCT. 12, 1973 HON. R.W. ABBE,

#42361

MINTA H. REICHEL,
PLAINTIFF,

VS

CITY OF REDDING, ET AL,
DEFENDANTS.

ORDER

THE REQUEST OF PLAINTIFF FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW, FILED HEREIN ON SEPTEMBER 28, 1973, IS DENIED. THE COURT ADVISES PLAINTIFF THAT FINDINGS OF FACT AND CONCLUSIONS OF LAW WILL NOT BE PREPARED IN THIS CASE.

CC; MINTA H. REICHEL, 3061 FULTON AVENUE SACRAMENTO,CA 95812
CLYDE SMALL, P.O. BOX 2256, REDDING,CA
MAYNARD CRAIG, P.O. BOX 676, CHICO, CA
ROLAND IVERSON, P.O. DRAWER A, MARYSville, ca 95901

/s/ R.W. ABBE
R.W. ABBE JUDGE

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE THIRD APPELLATE DISTRICT

(SHASTA)

MINTA H. REICHEL, PLAINTIFF, APPELLANT AND CROSS APPELLANT VS CITY OF REDDING, A MUNICIPAL CORPORATION, DEFENDANT, RESPONDENT	3 CIVIL 14495 (SUP.CT.NO.42361) FILED MAY 23, 1975, COURT OF APPEAL 3rd DISTRICT- WILFRIED J. KRAMER, CLERK BY _____ DEPUTY
CITY OF REDDING, A MUNICIPAL CORPORATION, DEFENDANT, RESPONDENT AND CROSS-APPELLANT VS MINTA H. REICHEL, PLAINTIFF, APPELLANT AND CROSS-RESPONDENT	

BY THE COURT:

BASED PRINCIPALLY ON THE THEORY THAT DEFENDANTS WERE NEGLIGENT IN THE CLEARING OF CALABOOSE CREEK AND THE INSTALLATION AND CONSTRUCTION OF A CULVERT AND PARKING LOT ADJACENT TO HER PROPERTY, PLAINTIFF SOUGHT TO RECOVER FOR THE DAMAGE ALLEGELY RESULTING FROM SAID NEGLIGENCE TO HER

SWIMMING POOL, ITS COPING AND APRON, AND THE RETAINING WALL AND FENCE. THE TRIAL COURT FOUND FOR DEFENDANTS. PLAINTIFF APPEALS. THE CITY OF REDDING HAS FILED A CROSS APPEAL FROM THE JUDGMENT LIMITED TO THE DENIAL OF COST.

THE MAJOR THRUST OF PLAINTIFF'S APPEAL IS THAT THERE IS SUFFICIENT EVIDENCE THAT THE DEFENDANTS CAUSED THE DAMAGE TO HER PROPERTY. IT IS EVIDENT FROM THE ARGUMENT ADVANCED BY PLAINTIFF THAT SHE HAS OVER-LOOKED THE ELEMENTARY PRINCIPLE OF LAW THAT IN REVIEWING THE EVIDENCE ON AN APPEAL ALL CONFLICTS MUST BE RESOLVED IN FAVOR OF THE RESPONDENT AND ALL LEGITIMATE AND REASONABLE INFERENCES INDULGED TO UPHOLD THE JUDGMENT. (CRAWFORD V. SOUTHERN PACIFIC CO (1935) 3 CAL 2d 427, 429.) WHEN A JUDG-MENT IS "ATTACKED" AS BEING UNSUPPORTED BY THE EVIDENCE , AS IN THE INSTANT CASE, THE POWER OF THIS COURT BEGINS AND ENDS

WITH A DETERMINATION AS TO WHETHER THERE IS ANY SUBSTANTIAL EVIDENCE, CONTRADICTED OR UNCONTRADICTED, WHICH WILL SUPPORT THE CONCLUSION REACHED BY THE TRIER OF FACTS. (IBID.) MOREVER, WHEN TWO OR MORE INFERENCED CAN REASONABLY BE DEDUCED FROM THE FACTS, THIS COURT IS WITHOUT POWER TOSUBSTITUTE ITS DEDUCTIONS FOR THOSE OF THE TRIAL COURT. (IBID).

ADDITIONALLY, IN RESOLVING THE ISSUE O F THE SUFFICIENCY OF THE EVIDENCE, WE ARE BOUND BY THE ESTABLISHED RULE OF APPELLATE REVIEW THAT WE MUST VIEW THE FACTS MOST FAVORABLE TO THE PREVAILING PARTY AND IN SUPPORT OF THE JUDGMENT. (NESTLE V CITY OF SANTA MONICA (1972) 6 CAL. 3d 920, 925).) THAT IS, WE LOOK ONLY AT THE EVIDENCE SUPPORTING THE SUCCESSFUL PARTY AND DISREGARD EVIDENCE TO THE CONTRARY. (IBID.) WE INCORPORATE BY REFERENCE HEREIN THE FACTS AS SET FORTH IN RESPONDENTS' BRIEF AT PAGES 7 THROUGH 13 WHICH SUBSTANTIALLY SUPPORT

THE JUDGMENT.

CONTRARY TO THE ARGUMENT ADVANCED BY PLAINTIFF, SINCE THE TRIAL COURT IMPLICITLY FOUND THAT DEFENDANTS WERE NOT NEGLIGENT AND THAT THE CLEARING OF THE CREEK AND THE INSTALLATION AND CONSTRUCTION OF THE CUL-VERT VERT AND PARKING LOT WERE NOT THE PROXIMATE CAUSE OF THE DAMAGE TO PLAINT-IFFS PROPERTY AND THE APPURTENANCES THERE-TO, DEFENDANTS WOULD NOT BE LIABLE UNDER EITHER THE THEORY OF INVERSE CONDEMNATION OR UNDER CIVIL CODE SECTION 832[1]. (SEE HOLTZ V SUPERIOR COURT (1970) 3 CAL. 3d 296 296, 300 ET SEQ., BLAU V CITY OF LOS ANGELES (1973) 32 CAL. APP. 3d 77, 84-84; MARIN

1. PLAINTIFF ASKS THIS COURT TO EXAMINE PARTICULARLY THE PHOTOGRAPHIC EVIDENCE. THESE PHOTOGRAPHS MERELY ESTABLISH THE FACT THAT THERE ARE WIDE CRACKS IN THE COPING AND APRON AROUND THE SWIMMING POOL THAT THE FENCE IS TILTED, AND THAT THE B BASE OF THE RETAINING WALL IS EXPOSED. THEY DO NOT, HOWEVER, ESTABLISH THE NEG-LIGENCE OF THE DEFENDANT, OR SHOW THAT ANY OF THEIR ACTIVITIES WERE THE PROX-IMATE CAUSE OF SAID CONDITION OF PLAIN-TIFF'S PROPERTY WHICH IS ESSENTIAL TO ESTABLISH LIABILITY.

MUN. WATER DIST. V. NORTHWESTERN PAC. R.R. CO. (1967)253 CAL.APP. 2d 83, 91,92; co. (1967) 253 CAL. APP. 2D 83, 91-92; WHARAM V. INVESTMENT UNDERWRITERS (1943) 58 CAL. APP. 2d 346,.349.)

THERE IS NO MERIT TO PLAINTIFF'S CONTENTION TO THE EFFECT THAT THE TRIAL COURT ABUSED ITS DISCRETION IN GRANTING THE REQUEST OF PLAINTIFF'S ATTORNEY TO WITHDRAW AS COUNSEL OF RECORD PRIOR TO ENTRY OF JUDGMENT. THE COURT MAY AT ANY TIME BEFORE JUDGMENT OR FINAL DETERMINATION GRANT AN APPLICATION BY AN ATTORNEY TO WITHDRAW FROM A CASE AS ATTORNEY OF RECORD. (CODE CIV. PRO., §284.) THE RECORD REFLECTS THAT THE COURT NOT ONLY FOUND THAT THE RELATIONSHIP BETWEEN PLAINTIFF AND HER ATTORNEY HAD DETERIORATED TO THE POINT THAT NEITHER WISHED TO BE ASSOCIATED WITH THE OTHER IN ANY WAY, BUT ALSO THAT PLAINTIFF HAD CONCURRED IN THE COURRT'S GRANTING HER ATTORNEY'S REQUEST FOR WITHDRAWAL.

WE DO FIND THAT THE TRIAL COURT ERRED IN NOT AWARDING COSTS TO THE CROSS-APPELLANT, THE CITY OF REDDING. PURSUANT TO CODE OF CIVIL PROCEDURE SECTIONS 998 AND 1032 the DEFENDANT CITY OF REDDING WAS ENTITLED TO COSTS AS A MATTER OF COURSE FROM THE TIME DEFENDANT (ALONG WITH THE OTHER DEFENDANTS) FILED ITS OFFER TO COMPROMISE ON OCTOBER 27, 1972. WHETHER OR NOT THE CITY OF REDDING IS TO RECEIVE COSTS FROM THE DATE OF THE FILING OF THE COMPLAINT AND FOR THE COSTS OF THE SERVICES OF EXPERT WITNESSES IS WITHIN THE DISCRETION OF THE COURT.(CODE OF CIV. PRO. §§ 998.)

WE REMAND THE CAUSE IN ORDER THAT THE TRIAL COURT MAY EXCERCISE IT'S DISCRETION ON THIS MATTER AND TO DETERMINE THE AMOUNT DUE THE CITY OF REDDING BY WAY OF COSTS FROM THE DATE OF THE OFFER TO COMPROMISE. THE JUDGMENT IS AFFIRMED IN ALL OTHER RESPECTS. FOR THE COURT--PUGLIA,REGAN,EVANS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

NO, 121 HONORABLE R.W. ABBE
AUG. 20, 1976
#54513

MINTA H. REICHEL,
PLAINTIFF,

VS

CITY OF REDDING, ET AL,
DEFENDANTS.

RULING ON DEMURRERS

FOR THE SAME REASONS AS SET FORTH IN THE RULING ON DEMURRER MADE HEREIN ON JUNE 24, 1976, THE DEMURRER OF THE CITY OF REDDING IS SUSTAINED WITHOUT LEAVE TO AMEND.

MINTA H. REICHEL, P,P. BOX 2304 REDDING, VA, 96001

EARL D. MURPHY, CITY HALL, 760 PARKVIEW AVE., REDDING, CA 96001

/s/ R.W. ABBE, JUDGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

NO. 120 HONORABLE R.W.ABBE,JUDGE
JUNE 24, 1976
#54513

MINTA H. REICHEL
PLAINTIFF

VS

CITY OF REDDING, et al,
DEFENDANTS.

RULING ON DEMURRERS

THE DEMURRERS OF DEFENDANTS OCHINERO CONSTRUCTION COMPANY, INC., A CORPORATION, EDWARD H. OCHINERO, BEATRICE OCHINERO, WOODWARD & NICHOLS, TAMMY NICHOLS ARE SUSTAINED WITHOUT LEAVE TO AMEND.

THE SUSTAING OF THE DEMURRERS WITHOUT LEAVE TO AMEND IS MADE ON THE GROUNDS THAT THE COMPLAINT HEREIN DOES NOT STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION IN THAT IT IS BARRED UNDER THE DOCTRINES OF RES JUDICATA AND COLLATERAL ESTOPPEL BY THE FINAL DETERMINATION OF THE PRIOR LITI-

GATION BY THE PLAINTIFF AGAINST THESE DEFENDANTS IN ACTION #42361 SHASTA COUNTY CALIFORNIA.

THE COURT DOES HEREBY TAKE JUDICIAL NOTICE OF ALL THE COURT RECORDS IN SAID ACTION #42361. THE INSTANT COMPLAINT ARISES FROM THE SAME FACTUAL SITUATION AS THE PRIOR SUIT AND THEREFORE AS STATED IN KRONKRIGHT VS GARDNER, 31C@d214 "THE FACT THAT DIFFERENT FORMS OF RELIEF WERE SOUGHT IS HERE IRRELEVANT. WERE THE RULE OTHERWISE, LITIGATION FINALLY WOULD END ONLY WHEN A PARTY RAN OUT OF COUNSEL WHOSE KNOWLEDGE AND IMAGINATION COULD CONCEIVE OF DIFFERENT THEORIES OF RELIEF BASED UPON THE SAME FACTUAL BACKGROUND."

IN SUTPHIN VS SPEIK, 15C2d195, THE RULE IS STATED AS FOLLOWS: "IF THE MATTER WAS WITHIN THE SCOPE OF THE ACTION, RELATED TO THE SUBJECT MATTER AND RELEVANT TO THE SUBJECT MATTER AND RELEVANT TO THE

ISSUES, SO THAT IT COULD HAVE BEEN RAISED, THE JUDGMENT IS CONCLUSIVE ON IT DESPITE THE FACT THAT IT WAS NOT IN FACT EXPRESSLY PLEADED OR OTHERWISE URGED. HENCE THE RULE IS THAT THE PRIOR JUDGMENT IS RES JUDICATA ON MATTERS WHICH WERE RAISED OR COULD HAVE BEEN RAISED ON MATTERS LITIGATED OR LITIGABLE."

COUNSEL FOR DEFENDANTS SHALL PREPARE JUDGMENT OF DISMISSAL HEREIN IN FAVOR OF THEIR CLIENTS.

MINTA H. REICHEL, 1945 SHASTA ST., REDDING CALIFORNIA
LAUGHLIN, CRAIG & CHRISTENSEN, 45 MAIN ST CHICO, CA 95926

RICH FUIDGE, MARSH & MORRIS, INC., P.O. DRAWER "A" MARYSVILLE, CA 95901

/s/ R. W. ABBE JUDGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

NO. 118

NO. 3, 1977 HONORABLE R.W. ABBE

#58025

MINTA H. REICHEL,
PLAINTIFF,

VS

CITY OF REDDING, ET AL,
DEFENDANTS.

THE DEMURRERS OF DEFENDANTS ARE SUSTAINED WITHOUT LEAVE TO AMEND ON THE FOLLOWING GROUNDS:

1. THE COMPLAINT HEREIN DOES NOT STATE FACTS USFFICIENT TO CONSTITUTE A CAUSE OF ACTION IN THAT IT IS BARRED UNDER THE DOCTRINE OF RES JUDICATA AND/OR COLLATERAL ESTOPPEL BY THE FINAL DETERMINATION OF THE PRIOR LITIGATION IN THE ACTION ENTITLED MINTA H. REICHEL VS CITY OF REDDING, ET AL SHASTA COUNTY ACTION NO 42361.

2. THE COMPLAINT HEREIN DOES NOT

STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION IN THAT IT IS BARRED UNDER THE DOCTRINE OF RES JUDICATA AND/OR COLLATERAL ESTOPPEL BY THE PRIOR LITIGATION IN THE ACTION ENTITLED MINTA H. REICHEL VS CITY OF REDDING, ET AL, SHASTA COUNTY ACTION NO. 54513.

3.THERE IS ANOTHER ACTION PENDING BETWEEN THE SAME PARTIES ON THE SAME CAUSE OF ACTION, TO-WIT, SHASTA COUNTY NO 54513 WHICH ACTION IS PRESENTLY PENDING BEFORE THE COURT OF APPEALS FOR THE THIRD APPELLATE DISTRICT PURSUANT TO PLAINTIFF'S APPEAL FROM THE JUDGMENT OF DISMISSAL FOLLOWING THE SUSTAINING OF A DEMURRER WITHOUT LEAVE TO AMEND BY THE SHASTA COUNTY SUPERIOR COURT.

MINTA H. REICHEL,P.O. BOX 2304,REDDING CA

RICH FUIDGE, MARSH, MORRIS,ATTORNEYS AT LAW P.O. DRAWER A, MARYSVILLE, CA 95901
TOCHER & GAZZIGLI, ATTORNEYS AT LAW, P.O. BOX 2256, REDDING, CA 96001
LAUGHLIN CRAIG & CHRISTENSEN, ATTORNEYS AT LAW, 45 MAIN ST., CHICO, CA 95926
/s/ HONORABLE R.W. ABBE, JUDGE

APP-T, 68a

IN THE

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE

THIRD APPELLATE DISTRICT

(FILED SEP 23, 1977)

MINTA H. REICHEL — 3 CIVIL 16644

VS — SHASTA 54512

ALVIN M. CIBULA

BY THE COURT:

APPELLANT'S APPLICATION FOR COURT ORDER FOR CORRECTION OF ALLEGED CLERK'S ERROR IS DENIED. THE APPEAL FILED FEBRUARY 15, 1977 AND THE APPEAL FILED MARCH 21, 1977 FROM JUDGMENT AND ORDER GRANTING REQUEST TO EXPUNGE LIS PENDENS IN SHASTA COUNTY NO. 54512 ARE DISMISSES AS NON-APPEALABLE. (C.C.P. SECTION 490.4). CONSIDERING THE MATTER AS A PETITION FOR WRIT OF MANDATE, THE PETITION IS DENIED.

DATE:SEPTEMBER 23, 1977

PUGLIA, P.J.

CC: MINTA H. REICHEL
PRESLEIGH, AREL & DUNLAP

OFFICE OF THE CLERK, COURT OF APPEAL

THIRD APPELLATE DISTRICT, STATE OF CALIF.

JUNE 29, 1977

MINTA H. REICHEL
P.O. BOX 2304
REDDING, CA 96001

RE: 3 CIVIL 16668
3 CIVIL 16705
REICHEL V CITY OF REDDING

DEAR MS. REICHEL

WE HAVE RECEIVED YOUR LETTER OF JUNE 26, 1977, AND THE MOTION TO AUGMENT RECORD IN 3 CIVIL 16263.

AS TO THE APPEALS IN 3 CIVIL 16668 AND 3 CIVIL 16705, WHEN WE RECEIVED THE RECORD FROM THE SHASTA COUNTY CLERK, IT APPEARED THAT BOTH APPEALS ARE INCLUDED IN SINGLE RECORD. WE HAVE THEREFORE ASSIGNED THE NUMBER 3 CIVIL 16668 TO BOTH THE APPEAL FROM THE DENIAL OF THE MOTION TO VACATE THE DISMISSAL AND THE APPEAL FROM DENIAL OF A WRIT OF MANDATE. ALL FUTURE FILINGS MUST BEAR THE NUMBER 3 CIVIL 16668.

THE RECORD WAS RETURNED TO THE SHATA COUNTY CLERK BECAUSE IT DID NOT INCLUDE ANY ORDER OF THE SUPERIOR COURT DENYING YOUR PETITION FOR WRIT OF MANDATE HAS BEEN ORDERED.

WE HAVE TALKED TO THE SHASTA COUNTY CLERK AND REQUESTED THEM TO RETRANSMIT THE RECORD TO US EVEN THOUGH THE APPEAL AS TO LAW LIBRARY PRIVILEGES APPEARS TO BE PREMATURE UNTIL SUCH TIME AS THE COURT ACTS ON YOUR PETITION FOR MANDATE.

VERY TRULY YOURS,

/s/ WILFRIED J. KRAMER
CLERK

WJK;sw

CC:SHASTA COUNTY CLERK

CC: ALL COUNSEL

APP-V, 71a

IN THE

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE

THIRD APPELLATE DISTRICT

FILED AUG 31, 1977

MINTA H. REICHEL, 3 CIVIL 16668

V SHASTA 54513

CITY OF REDDING

BY THE COURT:

THE PETITION FOR WRIT OF MANDATE ATTACHED TO APPELLANT'S OPENING BRIEF IS STRIKEN FROM THE FILE ON THE COURT'S OWN MOTION BECAUSE SUCH PETITION MAY NOT BE INCLUDED WITH APPELLANT'S OPENING BRIEF. IN ADDITION, THE PETITION IS NOT VERIFIED AND A FEE FOR A PETITION FOR FOR WRIT OF MANDATE.

DATED AUGUST 31, 1977

/s/ PUGLIA
PUGLIA, P.J.

CC: MINTA H. REICHEL, P.O. BOX 2304 REDDING,CA
EARL D. MURPHY, 760 PARKVIEW AVE. REDDING
LAUGHLIN, CRAIG & CHRISTENSEN, CHICO,CA
RICH FUIDGE, MARSH, MORRIS, MARYSVILLE,CA

APP-W, 72a

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
THIRD APPELLATE DISTRICT

FILED SEP 23, 1977

MINTA H. REICHEL 3 CIVIL 16668

v SHASTA 54513

CITY OF REDDING

BY THE COURT:

APPELLANT'S APPLICATION FOR REVIEW OF APPELLATE COURT'S MOTION TO STRIKE PETITION FOR WRIT OF AMNDATE FROM HER OPENING BRIEF ON APPEAL IS TREATED AS A PETITION FOR REHEARING AND DENIED. THE APPEAL FROM DENIAL OF MOTION TO VACATE AND DISMISS JUDGMENT FILED FEBRUARY 15, 1977 AND THE APPEAL BY PETITION FOR WRIT OF MANDATE FILED FEBRUARY 15, 1977 IN SHASTA COUNTY NO. 54513 ARE DISMISSED AS NON-APPEALABLE.

DATED: SEPTEMBER 23, 1977

PUGLIA, P.J.

CC MINTA H. REICHEL, EARL D. MURPHY
RICH, FUIDGE, MARSH & MORRIS,
LAUGHLIN, CRAIG & CHRISTENSEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

MINUTE BOOK II HON. CLYDE SMALL JUDGE

PAGE 52 V.VAUGHAN - DEP. CLK.

DATE JULY 6, 1976

#54512

MINTA H. REICHEL,
PLAINTIFF

VS

FRANKLIN S. CIBULA ET AL
DEFENDANTS.

NATURE OF PROCEEDINGS MOTION TO QUASH

PLAINTIFF APPEARING IN PROPRIA PERSONA, FRANKLIN S. CIBULA, OF THE LAW FIRM OF CIBULA & CIBULA, APPEARING ON BEHALF OF THE DEFENDANTS, MR. CIBULA ADDRESSES THE COURT AND ADVISES THAT VALID SERVICE HAS BEEN MADE, SUBSEQUENT TO FILING OF DEFENDANTS MOTION TO QUASH.

PLAINTIFF ADDRESS THE COURT. THE COURT ADMONISHES PLAINTIFF AS TO THE USE OF THE LAW LIBRARY.

UPON PLAINTIFF'S ACKNOWLEDGMENT THAT

SERVICE WAS NOT ACCOMPLISHED WHEN THE DOCUMENTS WERE MAILED ON MAY 19, 1976,

THE COURT ORDERS THAT THE MOTION TO QUASH SERVICE IS NOW MOOT AND IS DROPPED FROM THE CALENDAR.

CC: MINTA H. REICHEL
P.O. BOX 2304
REDDING, CA 96001

CIBULA & CIBULA

/s/ CLYDE SMALL
CLYDE SMALL JUDGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

MINUTE BOOK II
PAGE 206
DATE JULY 26, 1976

HON. CLYDE SMALL, JUDGE
R. NELSON, DEP. SHERRIF
V. VAUGHAN, DEP. CLERK
A. PETERSON, REPORTER

#54512

MINTA H. REICHEL,
PLAINTIFF,

VS

FRANKLIN S. CIBULA, ET AL
DEFENDANTS

NATURE OF PROCEEDINGS DEMURRER

PLAINTIFF APPEARING IN PROPRIA PERSONNA AND FRANKLIN S. CIBULA, OF THE LAW FIRM OF CIBULA & CIBULA, APPEARING ON BEHALF OF DEFENDANTS, THE COURT DECLINES TO HEAR ANY MATTER IN WHICH A MEMBER OF THE LOCAL BAR ASSOCIATION IS A LITIGANT, AND

THE COURT ORDERS THAT HEARING ON THE DEMURRER TO THE COMPLAINT IS CONTINUED TO MONDAY, AUGUST 16, 1976, AT 9:00 AM IN-----"

THIS DEPARTMENT, AT WHICH TIME JUDGE

CURTISS E. WETTER WILL BE PRESIDING.

CC: MINTA H. REICHEL
P.O. BOX 2304
REDDING, CA 96001

CIBULA & CIBULA

"42 U.S.C. §1983. CIVIL ACTION FOR DEPRIVATION OF RIGHTS.

EVERY PERSON WHO, UNDER COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY, SUBJECTS, OR CAUSES TO BE SUBJECTED, ANY CITIZEN OF THE UNITED STATES OR OTHER PERSON WITHIN THE JURISDICTION THEREOF TO THE DEPRIVATION OF ANY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS, SHALL BE LIABLE TO THE PARTY INJURED IN AN ACTION AT LAW, SUIT IN EQUITY OR OTHER PROPER PROCEEDING FOR REDRESS.

42 U.S.C. §1985(2)(3)

42 U.S.C. §1985. CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS --PREVENTING OFFICER FROM PERFORMING DUTIES.

(I) --------(DOES NOT APPLY)

(2) IF TWO OR MORE PERSONS IN ANY STATE OR TERRITORY CONSPIRE TO DETER, BY FORCE, INTIMIDATION, OR THREAT, ANY PARTY OR WIT-

NESS IN ANY COURT OF THE UNITED STATES FROM ATTENDING SUCH COURT OR FROM TESTIFYING TO ANY MATTER PENDING THEREIN, FREELY, FULLY, AND TRUTHFULLY, OR TO INJURE SUCH PARTY OR WITNESS IN HIS PERSON OR PROPERTY ON ACCOUNT OF HIS HAVING SO ATTENDED OR TESTIFIED,OR TO INFLUENCE THE VERDICT, PRESENTMENT,----------; OR IF TWO OR MORE PERSONS CONSPIRE FOR THE PURPOSE OF IMPEDDING, HINDERING, OBSTRUCTING OR DEFEATING, IN ANY MANNER, THE DUE COURSE OF JUSTICE IN ANY STATE OR TERRITORY, WITH INTENT TO DENY TO ANY CITIZEN THE EQUAL PROTECTION OF THE LAWS, OR TO INJURE HIM OR HIS PROPERTY FOR LAWFULLY ENFORCING, OR ATTEMPTING TO ENFORCE, THE RIGHT OF ANY PERSON, OR CLASS OF PERSONS, TO THE EQUAL PROTECTION OF THE LAWS:

(3)IF TWO OR MORE PERSONS IN ANY STATE OR TERRITORY CONSPIRE -----OR ON THE PREMISES OF ANOTHER, FOR THE PURPOSE OF DEPRIVING,

EITHER DIRECTLY OR INDIRECTLY, ANY PERSON OR CLASS OF PERSONS OF THE EQUAL PROTECT-TION OF THE LAWS, OR OF EQUAL PRIVILEGES AND IMMUNITIES UNDER THE LAWS; OR FOR THE PURPOSE OF PREVENTING OR HINDERING THE CONSTITUTED AUTHORITIES OF ANY STATE OR TERRITORY FROM GIVING OR SECURING TO ALL PERSONS WITHIN SUCH STATE OR TERRITORY THE EQUAL PROTECTION OF THE LAWS; ------ IN ANY CASE OF CONSPIRACY SET FORTH IN THIS SECTION, IF ONE OR MORE PERSONS ENGAGED THEREIN DO, OR CAUSE TO BE DONE, ANY ACT IN FURTHERANCE OF THE OBJECT OF SUCH CONS-PIRACY, WHEREBY ANOTHER IS INJURED IN HIS PERSON OR PROPERTY, OR DEPRIVED OF HAVING AND EXERCISING ANY RIGHT OR PRIVILEGE OF A CITIZEN OF THE UNITED STATES THE PARTY SO INJURED OR DEPRIVED MAY HAVE AN ACTION FOR THE RECOVERY OF DAMAGES, OCCASIONED BY SUCH INJURY OR DEPRIVATION, AGAINST ANY ONE OR MORE OF THE CONSPIRATORS."

42 U.S.C. §1986 ACTION FOR NEGLECT TO PREVENT.

EVERY PERSON WHO, HAVING KNOWLEDGE THAT ANY OF THE WRONGS CONSPIRED TO BE DONE, AND MENTIONED IN SECTION 1985 OF THIS TITLE ARE ABOUT TO BE COMMITTED, AND HAVING POWER TO PREVENT OR AID IN PREVENTING THE COMMISSION OF THE SAME, NEGLECTS OR REFUSES SO TO DO,IF SUCH WRONGFUL ACT BE COMMITTED, SHALL BE LIABLE TO THE PARTY INJURED, OR HIS LEGAL REPRESENTATIVES, FOR ALL DAMAGES CAUSED BY SUCH WRONGFUL ACT, WHICH SUCH PERSON BY REASONABLE DILIGENCE COULD HAVE PREVENTED; AND SUCH DAMAGES MAY BE RECOVERED IN AN ACTION ON THE CASE; AND ANY NUMBER OF PERSONS GUILTY OF SUCH WRONGFUL NEGLECT OR REFUSAL MAY BE JOINED AS DEFENDANTS IN THE ACTION; ----------BUT NO ACTION UNDER THE PROVISIONS OF THIS SECTION SHALL BE SUSTAINED WHICH IS NOT COMMENCED WITHIN ONE YEAR AFTER THE CAUSE OF ACTION HAS ACCRUED.

42 U.S.C. §1988 - PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS; ATTORNEY'S FEES

THE JURISDICTION IN CIVIL AND CRIMINAL MATTERS CONFERRED ON THE DISTRICT COURTS BY THE PROVISIONS OF THIS TITLE, ANF TITLE "CIVIL RIGHTS," AND OF TITLE"CRIMES," FOR THE PROTECTION OF ALL PERSONS IN THE UNITED STATES IN THEIR CIVIL RIGHTS, AND FOR THEIR VINDICATION, SHALL BE EXERCISED AND ENFORCED IN CONFORMITY WITH THE LAWS OF THE UNITED STATES, SO FAR AS SUCH LAWS ARE SUITABLE TO CARRY THE SAME INTO EFFECT; BUT IN ALL CASES WHERE THEY ARE NOT ADAPTED TO THE OBJECT,OR ARE DEFICIENT IN THE PROVISIONS NECESSARY TO FURNISH SUITABLE REMEDIES AND PUNISH OFFENSES AGAINST LAW, THE COMMON LAW, AS MODIFIED AND CHANGED BY THE CONSTITUTION AND STATUTES OF THE STATE WHEREIN THE COURT HAVING JURISDICTION OF SUCH CIVIL OR CRIMINAL CAUSE IS HELD, SO FAR AS THE SAME IS NOT INCONSISTENT WITH THE CONSTITUTION AND LAWS OF THE UNITED STATES,

SHALL BE EXTENDED TO AND GOVERN THE SAID CCOURTS IN THE TRIAL AND DISPOSITION OF THE CAUSE, AND, IF IT IS OF A CRIMINAL N NATURE, IN THE INFLICTION OF PUNISHMENT ON THE PARTY FOUND GUILTY. IN ANY ACTION OR PROCEEDING TO ENFORCE A PROVISION OF SECTIONS 1981, 1982, 1983, 1985, and 1986 OF THIS TITLE, TITLE IX OF PUBLIC LAW 92-$L*, OR TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, THE COURT IN ITS DISCRETION, MAY ALLOW THE PREVAILING PARTY, OTHER THAN THE UNITED STATES, A REASONABLE ATTORNEY'S FEE AS PART OF THE COSTS.

"42 U.S.C. §2000a- PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN PLACES OF PUBLIC ACCOMODATION--EQUAL ACCESS

(a) ALL PERSONS SHALL BE ENTITLED TO THE FULL AND EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES AND ACCOMMODATIONS OF ANY PLACE OF PUBLIC ACCOMODATION, AS DEFINED IN THIS SECTION, WITHOUT DISCRIMINATION OR SEGREGATION ON THE GROUND OF RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.(EMPHSIS ADDED).

ESTABLISHMENTS AFFECTING INTERSTATE COMMERCE OR SUPPORTED IN THEIR ACTIVITIES BY STATE ACTION AS PLACES OF PUBLIC ACCOMODATION:-------PLACES OF EXHIBITION OR ENTERTAINMENT; OTHER COVERED ESTABLISHMENTS

(b) EACH OF THE FOLLOWING ESTABLISHMENTS WHICH SERVES THE PUBLIC IS A PLACE OF PUBLIC ACCOMODATION WITHIN THE MEANING OF THIS SUB-CHAPTER IF ITS OPERATIONS AFFECT COMMERCE, OR IF DISCRIMINATION OR SEGREGA-

TION BY IT IS SUPPORTED BY STATE ACTION:
(4)ANY ESTABLISHMENT (A)(i)WHICH IS PHYSICALLY LOCATED WITHIN THE PREMISES OF ANY ESTABLISHMENT OTHERWISE COVERED BY THIS SUBSECTION, OR (ii)WITHIN THE PREMISES OF WHICH IS PHYSICALLY LOCATED ANY SUCH COVERED ESTABLISHMENT, AND (B) WHICH HOLDS ITSELF OUT AS SERVING PATRONS OF SUCH COVERED ESTABLISHMENT,
(c) THE OPERATIONS OF AN ESTABLISHMENT AFFECT COMMERCE WITHIN THE MEANING OF THIS SUBCHAPTER IF -------(4) OF SUBSECTION (b) OF THIS SECTION, IT IS PHYSICALLY LOCATED WITHIN THE PREMISES OF, OR THERE IS PHYSICALLY LOCATED WITHIN ITS PREMISES, AN ESTABLISHMENT THE OPERATIONS OF WHICH AFFECT COMMERCE WITHIN THE MEANING OF THIS SUBSECTION. FOR PURPOSES OF THIS SECTION, "COMERCE" MEANS ----- OR COMMUNICATION AMONG THE SEVERAL STATES, OR BETWEEN THE DISTRICT OF COLUMBIA AND ANY STATE, -----"

"42 U.S.C. §2000a-1. PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION REQUIRED BY ANY LAW, STATUTE, ORDINANCE, REGULATION, RULE OR ORDER OF A STATE OR STATE AGENCY

ALL PERSONS SHALL BE ENTITLED TO BE FREE, AT ANY ESTABLISHMENT OR PLACE, FROM DISCRIMINATION OR SEGREGATION OF ANY KIND ON THE GROUND OF RACE, COLOR, RELIGION, OR NATIONAL ORIGIN, IF SUCH DISCRIMINATION OR SEGREGATION IS OR PURPORTS TO BE REQUIRED BY ANY LAW, STATUTE, ORDINANCE, REGULATION, RULE, OR ORDER OF A STATE OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF."

CALIFORNIA BUSINESS AND PROFESSIONS CODES:

"SECTION 6301: CONSTITUTION OF BOARDS

A BOARD OF LAW LIBRARY TRUSTEES IS CONSTITUTED AS FOLLOWS:(a) IN A COUNTY WHERE THERE ARE NO MORE THAN THREE JUDGES OF THE SUPERIOR COURT, EACH OF SUCH JUDGES IS EX OFFICIO A TRUSTEE; IN A COUNTY WHERE THERE ARE MORE THAN THREE JUDGES OF THE SUPERIOR COURT THE JUDGES OF THE COURT SHALL ELECT THREE OF THEIR NUMBER TO SERVE AS TRUSTEES. HOWEVER, WHERE THERE ARE NO MORE THAN THREE JUDGES OF THE SUPERIOR COURT, THE JUDGES MAY AT THEIR OPTION SELECT ONLY ONE OF THEIR NUMBER TO SERVE AS A TRUSTEE IN SUCH EVENT THEY SHALL APPOINT TWO ADDITIONAL TRUSTEES WHO ARE NEMBER OF THE BAR OF THE COUNTY. ANY JUDGE WHO IS AN EX OFFICIO OR ELECTED MEMBER MAY AT HIS OPTION DESIGNATE A MEMBER OF THE BAR OF THE COUNTY TO ACT FOR HIM AS TRUSTEE(EMPHASIS ADDED.)

((b) NOT APPLICABLE

(c) THE CHAIRMAN OF THE BOARD OF SUPERVISORS IS EX OFFICIO A TRUSTEE, BUT THE BOARD OF SUPERVISORS AT THE REQUEST OF THE CHAIRMAN MAY APPOINT A MEMBER OF THE BAR OF THE COUNTY OR ANY OTHER MEMBER OF THE BOARD OF SUPERVISORS OF THE COUNTY TO SERVE AS TRUSTEE IN PLACE OF SAID CHAIRMAN. THE APPOINTMENT OF THE PERSON SELECTED IN LIEU OF THE CHAIRMAN OF THE BOARD OF SUPERVISORS SHALL EXPIRE WHEN A NEW CHAIRMAN OF THE BOARD OF SUPERVISORS IS SELECTED AND SUCH APPOINTMENT SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 6302.

(d) THE BOARD OF SUPERVISORS SHALL APPOINT AS MANY ADDITIONAL TRUSTEES, WHO ARE MEMBERS OF THE BAR OF THE COUNTY, AS MAY BE NECESSARY TO CONSTITUTE A BOARD OF FIVE MEMBERS IN ANY COUNTY WHICH A MUNICIPAL COURT HAS NOT BEEN ESTABLISHED, OR OF SIX MEMBERS IN ANY WHERE THE MUNICIPAL COURTS HAVE ELECTED ONE MEMBER, OR OF SEVEN MEMBERS IN ANY COUNTY WHERE THE MUNICIPAL

COURTS HAVE ELECTED TWO MEMBERS TO SERVE AS TRUSTEES.

SECTION 6302 APPOINTMENTS OF TRUSTEES

APPOINTMENTS OF TRUSTEES WHICH ARE TO BE MADE BY THE BOARD OF SUPERVISORS OF THE COUNTY SHALL BE MADE AT THE FIRST MEETING OF THE BOARD OF SUPERVISORS AFTER THE ESTABLISHMENT OF A LAW LIBRARY IN THE COUNTY THE APPOINTEES TO SERVE UNTIL THE FIRST MEETING OF THE BOARD OF SUPERVISORS IN THE SUCCEEDING JANUARY. THE BOARD SHALL, AT ANY SUCH MEETING IN EACH SUCCEEDING JANUARY, APPOINT SUCH TRUSTEES TO SERVE FOR THE TERM OF ONE YEAR.

SECTION 6320 DISPOSITION OF MONEYS

ALL MONEY COLLECTED FOR THE LAW LIBRARY IN EACH COUNTY, MUST BE DEPOSITED WITH THE TREASURER OF THE COUNTY, WHO MUST KEEP THE SAME SEPARATE AND APART IN A TRUST FUND OR TRUST ACCOUNT, TO BE DISBURSED BY THE BOARD OF LAW LIBRARY TRUSTEES. MONEY MAY BE DISBURSED ONLY AS IN THIS CHAPTER

PROVIDED, AND ONLY FOR THE PURPOSES HEREIN AUTHORIZED. (EMPHASIS ADDED)

WHENEVER A LAW LIBRARY AND A BOARD OF TRUSTEES TO GOVERN THE SAME, IS IN EXISTENCE UNDER THE PROVISIONS OF ANY LAW, OTHER THAN THE LAW SUPERSEDED BY THIS CHAPTER, IN ANY COUNTY, OR CITY AND COUNTY, OR CITY AND COUNTY, IN THIS STATE, MONEY SO COLLECTED SHALL BE PAID INTO THE HANDS OF THOSE, AND IN THE MANNER, PROVIDED BY SUCH LAW.

SECTION 6321. FILING FEE

ON THE COMMENCEMENT IN, OR THE REMOVAL TO, THE SUPERIOR COURT OF ANY COUNTY IN THIS STATE, OF ANY CIVIL ACTION, PROCEEDING, OR APPEAL, AND ON THE COMMENCEMENT IN, OR REMOVAL TO, THE MUNICIPAL COURT OR JUSTICE COURT IN ANY COUNTY, OF ANY CIVIL ACTION OR PROCEEDING, THE PARTY INSTITUTING SUCH PROCEEDING, OR FILING THE FIRST PAPERS, SHALL PAY TO THE CLERK OF THE COURT, FOR

THE LAW LIBRARY, ON FILING THE FIRST PAPERS THE SUM OF ONE DOLLAR ($1) AS COSTS, IN ADDITION TO THE FEES FIXED BY LAW.

SECTION 6322 FIRST APPEARANCE FEE

THEREAFTER, ANY DEFENDANT, RESPONDENT, ADVERSE PARTY, OR INTERVENING PARTY, ON HIS FIRST APPEARANCE IN A SUPERIOR OR MUNICIPAL COURT, OR ANY NUMBER OF DEFENDANTS RESPONDENTS, OR PARTIES, APPEARING JOINTLY, SHALL PAY TO THE CLERK OF THE COURT, FOR THE LAW LIBRARY, THE SUM OF ONE ($1) AS COSTS, IN ADDITION TO THE FEES FIXED BY LAW.

SECTION 6322.1 INCREASE OF FEES

(a) EXCEPT IN COUNTIES CONTAINING A POPULATION OF 4,000,000 AND OVER, THE BOARD OF SUPERVISORS OF ANY COUNTY MAY INCREASE THE COSTS PROVIDED IN SECTIONS 6321 and 6322 TO MORE THAN SEVEN DOLLARS ($7) FOR EACH EVENT THERE DESCRIBED WHENEVER IT SHALL DETERMINE THAT THE INCREASE IS NECESSARY

TO DEFRAY THE EXPENSES OF THE LAW LIBRARY.

(b) DOES NOT APPLY HEREIN

SECTION 6323. COURTS AND PROCEEDINGS EXCEPTED.

SUCH COSTS SHALL NOT BE COLLECTED, HOWEVER, IN SMALL CLAIMS COURTS, NOR SHALL THEY BE COLLECTED IN JUSTICES' COURTS IN COUNTIES IN WHICH THERE ARE MORE THAN 25 MUNICIPAL COURT JUDGES, NOR SHALL THEY BE COLLECTED ON FILING A PETITION FOR LETTERS OF ADOPTION, OR THE FILING OF A DISCLAIMER.

SECTION 6324. ADDITIONAL PAYMENTS TO FUND

THE BOARD OF SUPERVISORS OF ANY COUNTY MAY SET APART FROM THE FEES COLLECTED BY THE COUNTYCLERK, SUMS NOT EXCEEDING ONE THOUSAND TWO HUNDRED DOLLARS ($1,200) IN ANY ONE FISCAL YEAR, TO BE PAID BY THE COUNTY CLERK INTO THE LAW LIBRARY FUND IN ADDITION TO THE MONEYS OTHERWISE PROVIDED TO BE DEPOSITED IN THAT FUND BY LAW. THE

BOARD OF SUPERVISORS MAY ALSO APPROPRIATE FROM THE COUNTY TREASURY FOR LAW LIBRARY PURPOSES USCH ADDITIONAL SUMS AS MAY IN THEIR DISCRETION APPEAR PROPER. WHEN SO PAID INTO THE LAW LIBRARY FUND, SUCH SUMS SHALL CONSTITUTE A PART OF THE FUND AND BE USED FOR THE SAME PURPOSES.

SECTION 6343. RULES, REGULATIONS AND BY-LAWS; EXPENDITURES

A BOARD MAY MAKE AND ENFORCE ALL RULES, REGULATIONS, AND BY-LAWS NECESSARY FOR THE ADMINISTRATION, GOVERNMENT, AND PROTECTION OF THE LAW LIBRARY, AND OF ALL PROPERTY BELONGING THERETO, OR THAT MAY BE LOANED, DEVISED, BEQUEATHED, OR DONATED TO IT. A BOARD MAY MAKE EXPENDITURES FOR THE SUITABLE MAINTENANCE, REPAIR, PROTECTION AND INSURANCE AGAINST LOSS OF SUCH PROPERTY, BOTH REAL AND PERSONAL.

SECTION 6360 USE OF LIBRARY; CHARGES

A LAW LIBRARY ESTABLISHED UNDER THE PRO-

VISIONS OF THIS CHAPTER SHALL BE FREE TO THE JUDICIARY, TO STATE AND COUNTY OFFICIALS, TO MEMBERS OF THE STATE BAR, AND TO ALL RESIDENTS OF THE COUNTY, FOR THE EXAMINATION OF BOOKS AND OTHER PUBLICATIONS AT THE LIBRARY OR ITS BRANCHES.

THE BOARD OF LAW LIBRARY TRUSTEES MAY PERMIT THE REMOVAL OF SUCH BOOKS AND OTHER PUBLICATIONS FROM THE LIBRARY AND ITS BRANCHES AS IT CONSIDERS PROPER, SUBJECT TO SUCH RULES, AND, IN ITS DISCRETION, THE GIVING OF SUCH SECURITY, AS IT MAY PROVIDE TO INSURE THE SAFEKEEPING AND PROMPT RETURN THEREOF, BUT NO SECURITY SHALL BE REQUIRED OF MEMBERS OF THE JUDICIARY OR COUNTY OFFICIALS. THE BOARD MAY PROVIDE FOR THE LEVYING OF FINES AND CHARGES FOR VIOLATION OF THE RULES, AND MAY MAKE CHARGES TO COVER THE COST OF SPECIAL SERVICES, SUCH AS THE MAKING OF PHOTOCOPIES OF PAGES OF LIBRARY BOOKS, AND MESSENGER

SERVICE.

THE BOARD OF LAW LIBRARY TRUSTEES MAY REQUIRE PERSONS OTHER THAN MEMBERS OF THE JUDICIARY, COUNTY OFFICIALS, AND MEMBERS OF THE JUDICIARY, COUNTY OFFICIALS, AND MEMBERS OF THE BAR RESIDENT IN THE COUNTY, TO PAY SUCH DUES AS THE BOARD MAY FIX FOR THE PRIVILEGE OF REMOVING BOOKS AND OTHER PUBLICATIONS FROM THE LIBRARY.

SECTION 6361. QUARTERS AND FACILITIES

THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE LAW LIBRARY IS ESTABLISHED SHALL PROVIDE SUFFICIENT QUARTERS FOR THE USE OF THE LIBRARY UPON REQUEST OF THE BOARD OF LAW LIBRARY TRUSTEES, EXCEPT THAT THE BOARD OF SUPERVISORS NEED NOT PROVIDE SUCH QUARTERS WHEN THE BOARD OF LAW LIBRARY TRUSTEES DETERMINES IT HAS SUFFICIENT FUNDS, OVER AND ABOVE THOSE NECESSARY FOR OPERATION AND MAINTENANCE EXPENSES, TO PROVIDE ITS OWN QUARTERS. SUCH PROVISION

MAY INCLUDE, WITH THE ROOM OR ROOMS PROVIDED, SUITABLE FURNITURE, WINDOW SHADES, FLOORE COVERINGS, LIGHTING, HEAT AND TELEPHONE AND JANITOR SERVICE.

SECTION 6304. MEETINGS OF TRUSTEES.

EACH BOARD OF LAW LIBRARY TRUSTEES SHALL MEET REGULARLY EACH MONTH ON SUCH DAY AS IT SHALL APPOINT, BUT IF IT APPOINT NO DAY IT SHALL MEET ON THE FIRST TURSDAY AFTER THE FIRST SATURDAY OF EACH MONTH, AND ANY BOARD MAY MEET AT SUCH OTHER TIMES AS IT MAY APPOINT, AT A PLACE TO BE DESIGNATED FOR THAT PURPOSE. THE PRESIDENT OF THE BOARD MAY CALL A SPECIAL MEETING AT ANY TIME FOR THE TRANSACTION OF NECESSARY BUSINESS. A MAJORITY OF THE MEMBERS CONSTITUTES A QUORUM FOR BUSINESS, AND AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS IS REQUIRED TO EXERCISE THE POWERS OF THE BOARD.

CALIFORNIA CIVIL CODE SECTION 832.

LATERAL AND SUBJACENT SUPPORT: EXCAVATIONS: DEGREE OF CARE; DAMAGES; PROTECTION OF OTHER STRUCTURES

EACH COTERMINOUS OWNER IS ENTITLED TO THE LATERAL AND SUBJACENT SUPPORT WHICH HIS LAND RECEIVES FROM THE ADJOINING LAND, SUBJECT TO THE RIGHT OF THE OWNER OF THE ADJOINING LAND TO MAKE PROPER AND USUAL EXCAVATIONS ON THE SAME FOR PURPOSES OF CONSTRUCTION OR IMPROVEMENT, UNDER THE FOLLOWING CONDITIONS:

1. ANY OWNER OF LAND OR HIS LESSEE INTENDING TO MAKE OR TO PERMIT AN EXCAVATION SHALL GIVE REASONABLE NOTICE TO THE OWNER OR OWNERS OF ADJOINING LANDS AND OF BUILDINGS OR OTHER STRUCTURES, STATING THE DEPTH TO WHICH SUCH EXCAVATION IS INTENDED TO BE MADE, AND WHEN THE EXCAVATING WILL BEGIN.

2. IN MAKING ANY EXCAVATION, ORDINARY CARE AND SKILL SHALL BE USED, AND REASON-

ABLE PRECAUTIONS TAKEN TO SUSTAIN THE ADJOINING LAND AS SUCH, WITHOUT REGARD TO ANY BUILDING OR OTHER STRUCTURE WHICH MAY BE THEREON, AND THERE SHALL BE NO LIABILITY FOR DAMAGE DONE TO ANY SUCH BUILDING OR OTHER STRUCTURE BY REASON OF THE EXCAVATION, EXCEPT AS OTHERWISE PROVIDED BY LAW.

3. IF AT ANY TIME IT APPEARS THAT THE EXCAVATION IS TO BE OF A GREATER DEPTH THAN ARE THE WALLS OR FOUNDATIONS OF ANY ADJOINING BUILDING OR OTHER STRUCTURE, AND IS TO BE SO CLOSE AS TO ENDANGER THE BUILDING OR OTHER STRUCTURE IN ANY WAY, THEN THE OWNER OF THE BUILDING OR OTHER STRUCTURE MUST BE ALLOWED AT LEAST 30 DAYS, IF HE SO DESIRES, IN WHICH TO TAKE MEASURES TO PROTECT THE SAME FROM ANY DAMAGE, OR IN WHICH TO EXTEND THE FOUNDATIONS THEREOF, AND HE MUST BE GIVEN FOR THE SAME PURPOSES REASONABLE LICENSE TO ENTER ON THE LAND ON WHICH THE EXCAVATION IS TO BE OR IS

BEING MADE.

4. IF THE EXCAVATION IS INTENDED TO BE OR IS DEEPER THAN THE STANDARD DEPTH OF FOUNDATIONS, WHICH DEPTH IS DEFINED TO BE A DEPTH ***NINE FEET BELOW THE ADJACENT CURB LEVEL, AT THE POINT WHERE THE JOINT PROPERTY LINE INTERSECTS THE CURB AND IF ON THE LAND OF THE COTERMINOUS OWNER THERE IS ANY BUILDING OR OTHER STRUCTURE THE WALL OR FOUNDATION OF WHICH GOES TO STANDARD DEPTH OR DEEPER THAN THE OWNER OF THE LAND ON WHICH THE EXCAVATION IS BEING MADE SHALL, IF GIVEN THE NECESSARY LICENSE TO ENTER ON THE ADJOING LAND, PROTECT THE SAID ADJOINING LAND AND ANY SUCH BUILDING OR OTHER STRUCTURE THEREON WITHOUT COST TO THE OWNER THEREOF, FROM ANY DAMAGE BY REASON OF THE EXCAVATION, AND SHALL BE LIABLE TO THE OWNER OF SUCH PROPERTY FOR SUCH DAMAGE, EXCEPTING ONLY FOR MINOR SETTLEMENT CRACKS IN BUILDINGS OR OTHER STRUCTURES**(1968 AMEND."NINE" FEET).

CALIFORNIA CODE CIVIL PROCEDURE §583

DISMISSAL; LACK OF PROSECUTION; FAILURE TO BRING ACTION TO TRIAL

(a) ----- , , ,

(b) ANY ACTION HERETOFORE OR HEREAFTER COMMENCED SHALL BE DISMISSED BY THE COURT IN WHICH THE SAME SHALL HAVE BEEN COMMENCED OR TO WHICH IT MAY BE TRANSFERRED ON MOTION OF THE DEFENDANT, AFTER DUE NOTICE TO PLAINTIFF OR BY THE COURT UPON ITS OWN MOTION, UNLESS SUCH ACTION IS BROUGHT TO TRIAL WITHIN FIVE YEARS AFTER THE PLAINTIFF HAS FILED HIS ACTION, EXCEPT WHERE THE PARTIES HAVE FILED A STIPULATION IN WRITING THAT THE TIME MAY BE EXTENDED.

(e) FOR THE PURPOSES OF THIS SECTION, "ACTION" INCLUDES AN ACTION COMMENCED BY CROSS-COMPLAINT.

APP-C1, 99a

OCTOBER 10, 1975

BOARD OF SUPERVISORS
COUNTY OF SHASTA
COURTHOUSE
1500 COURT STREET
REDDING, CALIFORNIA 96001

(RECEIVED SHASTA
(COUNTY CLERK
(OCT 10 1975

HONORABLE MEMBERS OF THE BOARD OF SUPERVISORS

RE: CLAIM FOR DAMAGES FOR CLOSURE OF THE SHASTA COUNTY LAW LIBRARY. HARASSMENT REDDING JUDICIAL DISTRICT 75 S 440.

1. THIS CLAIM IS PRESENTED PURSUANT TO SECTION 910 OF THE CALIFORNIA GOVERNMENT CODE.

2. HELEN FAYE GENERES CLAIMANT'S ADDRESS IS 2538 WALDON STREET, REDDING, CALIFORNIA 96001.

3. ALL NOTICES IN CONNECTION WITH THE ABOVE ARE TO BE SENT TO HELEN FAYE GENERES AT 2538 WALDON STREET, REDDING, CALIFORNIA 96001

4. SINCE THE FIRST PART OF SEPTEMBER 1975 THE LAW LIBRARY HAS BEEN CLOSED TO THE PUBLIC IN FAVOR OF THE MONOPOLY OF THE MEMBERS OF THE BAR. THE LAW LIBRARY IS SUPPORTED

BY THE GENERAL FUND AND IS LOCATED IN THE COURTHOUSE. AS DEFENDANTS IN CIVIL S75-438 PCW UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA, THIS IS AN OVERT ACT OF CONSPIRACY ON YOUR PART TO KEEP ME FROM DOING MY RESEARCH IN MY LAWSUIT, WHICH IS PENDING IN THE FEDERAL COURT.

5. I HAVE BEEN HARASSED PUBLICLY AND PRIVATELY IN 75 S 440.

6. PLAINTIFF HAS SUFFERED AS A RESULT OF THE WRONGF[illegible] ACTS AND SEEKS DAMAGES IN EXCESS OF TEN MILLION DOLLARS FOR DEPRIVATION OF HER RIGHTS, AND THE HARASSMENT, TIME AND LEGAL EXPENSES INVOLVED WHICH ARE UNKNOWN PRESENTLY.

EXECUTED AT REDDING, CALIFORNIA. OCTOBER 10, 1975.

_/s/ HELEN FAYE GENERES
HELEN FAYE GENERES

(FILED COMPLAINT #75-438-PCW UNITED STATES DISTRICT COURT OF EASTERN DISTRICT CALIFORNIA

APP-D1, 10a

MEMO SEPTEMBER 24, 1975

FROM: RICHARD C. BRENNAN
EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS
SHASTA COUNTY BOARD OF SUPERVISORS

TO: JUDGE SMALL
LAW LIBRARY COMMITTEE

VICTOR LOCKMAN APPEARED BEFORE THE BOARD OF SUPERVISORS ON MONDAY, SEPTEMBER 22, 1975, AND MADE A PRESENTATION CONCERNING USE OF THE LAW LIBRARY. THE BOARD OF SUPERVISORS HAS REFERRED THIS MATTER TO YOU FOR CONSIDERATION. A COPY OF THE PRESENTATION IS ATTACHED FOR YOUR USE.

VIC LOCKMAN
P.O. BOX 844
ANDERSON, CA 96007

SEPT. 22, 1975.

SHASTA CO. BD. OF SUPERVISORS
REDDING, CA

I'M HERE TODAY BECAUSE I SHARE A VERY SERIOUS PROBLEM WITH THE OTHER CITIZEN-TAX-PAYERS OF SHASTA COUNTY. WE HAVE JUST RECENTLY BEEN LOCKED OUT OF THE SHASTA

COUNTY LAW LIBRARY EXCEPT FROM 3 TO 5 PM DAILY, WHEREAS FORMERLY THE DOOR WAS OPEN ALL DAY. A SIGN POSTED ON THE LAW LIBRARY DOOR STATES THAT LAWYERS MAY OBTAIN A KEY AT ANY HOUR AND THAT LAWYERS ONLY MAY CHECK OUT BOOKS. LAY PEOPLE HAVE NO SUCH PRIV-ILEGES. THIS RESTRICTION COMES AT AN ES-BECIALLY BAD TIME FOR ME, SINCE AS YOU KNOW, THE LIBRARIAN, COUNTY COUNSEL, AND ALL OF YOU SUPERVISORS ARE DEFENDANTS IN A CIVIL RIGHTS LAW SUIT WHICH I HAVE FILED PROPRIA PERSONNA IN THE U.S. DISTRICT COURT. FOR GOOD REASONS I HAVE OPTIONED TO DO MY OWN LEGAL WORK AND NOW ON THE EVE OF FIL-ING A "MOTION TO SET FOR TRIAL" AND CERTI-FICATE OF READINESS" I FIND THAT SOME OF THE VERY PERSONS I WISH TO BRING TO TRIAL FOR VIOLATING MY CIVIL RIGHTS ARE RESPONS-IBLE FOR OBSTRUCTING MY LEGAL RESEARCH; NAMELY YOU, THE SHASTA COUNTY BOARD OF SUPERVISORS.

ALLOW ME TO BRIEFLY OUTLINE THE SITUATION:

1. WHOSE LAW LIBRARY IS IT?

THE LAW LIBRARY COMMITTEE (CREATED BY STATUTE) IS COMPOSED OF JUDGES ABBIE EATON, SMALL. ALSO ON THE COMMITTEE, AND APPOINTED BY THE BOARD OF SUPVISORS IS MRS. BESSIE SAUNDERS & LOCAL LAWYERS, CARR AND SRITE. IT'S INTERESTING TO NOTE THAT GOV. BOWN RECENTLY APPOINTED LAY PEOPLE TO THE CALIF BAR ASSOC. WHY CAN'T WE EVEN HAVE FREE ACCESS TO THE LAW LIBRARY MUCH LESS SERVE ON ITS COMMITTEE HERE IN SHASTA COUNTY? IN OTHER COUNTIES THE TAXPAYERS ARE NOT SO DISCRIM-INATED AGAINST TO GIVE MONOPOLISTIC USE OF THE LIBRARIES TO THE 'LEGAL PROFESSION.'

IT IS SAID THAT LOCAL LAWYERS CONTRIBUTE $150 ANNUALLY TO THE LAW LIBRARY TRUST FUND BUT I DO NOT BELIEVE THIS IS SO. SUCH SUMS COLLECTED BY THE BAR ASSOC. ARE SPENT TO CONDUCT SEMINARS AND LOBBYINT ACTIVITIES IN SACRAMENT.

LAST NIGHT JUDGE EATON TOLD ME THAT THE

LAW BOOKS ARE NOT PURCHASED WITH ACTUAL TAX DOLARS BUT WITH COURT FILING FEES! BUT I ASK YOU, WHO IF NOT THE PUBLIC, IS ENTITLED TO BENEFIT FROM MONIES TAKEN IN BY THE COUNTY FROM WHATEVER SOURCE? WHO DARES TO APPROPRIATE SUCH FUNDS LARGELY FOR THE BENEFIT OF PRIVATE LAWYERS?

I ASKED JUDGE EATON IF HE DIDN'T THINK ORDINARY CITIZENS HAVE AS MUCH RIGHT TO USE THE LAW LIBRARY AS PRIVATE LAWYERS. HIS ANSWER..."NO! WE'VE HAD TOO MANY BOOKS TURN UP MISSING & WE'RE TRYING TO BUILD UP THE LIBRARY." NOTICE THE ASSUMPTION THAT ORDINARY CITIZENS,NOT LAWYERS, MUST BE GUILTY OF TAKING BOOKS. THE WHOLE IDEA OF RESTRICTING US IS AN IMPLICATION THAT WE CAN'T BE TRUSTED. WHY, AFTER THE 'WATER-GATE" SCANDAL INVOLVING MOSTLY LAWYERS, DOES ANYBODY STILL HARBOR THE ILLUSION THAT LAWYERS ARE MORE TRUSTWORTHY THAN THE REST OF US. FURTHER, IF THE COMMITTEE IS REALLY TRYING TO BUILD UP THE LAW LIBRARY WHY ARE

THEY DISPOSING OF MANY VALUABLE SETS OF BBOOKS SUCH AS THE "DEERING CALIF. CODE" AND "AMERICAN JURISPRUDENCE"? ONE REASON ADVANCED FOR EXPLAINING WHY THESE BOOKS MUST BE THROWN AWAY INSTEAD OF SOLD IS THEY WERE PURCHASED WITH ...(NOTE) "PUBLIC FUNDS."

JUDGE EATON HIMSELF ADMITS THAT THE LAW LIBRARY HAS BEEN "PUBLIC" FOR 40 YEARS. NOTE ALSO THAT TAX-PAID PUBLIC SERVANTS HANDLE & DISPERSE THE FUNDS AND THAT THE LIBRARY ITSELF IS HOUSED IN PUBLIC PROPERTY ---THIS VERY COURTHOUSE! HOW CAN ANYONE DARE TO DENY OR RESTRICT THE PUBLIC FROM ACCESS TO THE LAWS OF THE LAND THAT "WE THE PEOPLE" HAVE ESTABLISHED?.

IN SHASTA COUNTY DO WE REALLY HAVE A GOV'T OF THE PEOPLE, BY THE PEOPLE & FOR THE PEOPLE... OR IS IT A COUNTY GOV'T OF, BY, AND FOR THE JUDGES, LAWYERS AND POLITICIANS?

IN CONCLUSION I WISH TO OFFER A FEW HELP-

FUL SUGGESTIONS.

WILL THE BD. OF SUPERVISORS PROMPTLY IN-VESTIGATE THE LAW LIBRARY COMMITTEE AND ITS RECENT DISCRIMINATORY RULINGS AFORE-MENTIONED?

IT WOULD BE WELL FOR THE GENERAL PUBLIC TO AGAIN BE ALLOWED ACCESS AT ANY HOUR OF THE DAY TO THE LIBRARY, AND BE OFFERED EVERY PRIVILEGE OFFERED TO LAWYERS.

A 5¢ OR 10¢ COPYING MACHINE IN THE LAW LIBRARY WOULD REMOVE THE NECESSITY OF MOST BOOK WITHDRAWALS.

ALLOW THE GENERAL PUBLIC TO SIGN FOR THE KEY (WITH PROPER I.D.) IF SECURITY IS IMPORTANT. ISSUE "LAW LIBRARY" CARDS, PERHAPS TAKING A DEPOSIT FROM ALL APPLI-CANTS, INCLUDING OUR FRIENDS THE LAWYERS.

FINALLY, IF I CAN'T RESUME MY LEGAL RESEARCH HERE FREELY AS IN TIMES PAST I'LL VERY S SHORTLY TAKE APPROPRIATE LEGAL ACTION AGAINST ALL PARTIES INVOLVED IN THIS UN-WARRANTED DEPRIVATION OF RIGHTS.

/s/ VICTOR E. LOCKMAN

APP-E1, 107a

2 OCTOBER 1975

RECEIVED SHASTA COUNTY CLERK - Oct 2 1975

BOARD OF SUPERVISORS
COUNTY OF SHASTA
COURTHOUSE
REDDING, CALIFORNIA

RE: SHASTA COUNTY LAW LIBRARY

GENTLEMEN:

PLEASE REFER TO SECTIONS 6301, 6343, AND 6360 OF THE BUSINESS AND PROFESSIONS CODE. EXAMINATION OF THOSE SECTIONS MAKES IT CLEAR THAT IT IS THE OBLIGATION OF THE BOARD OF TRUSTEES OF THE SHASTA COUNTY LAW LIBRARY TO ESTABLISH THE RULES UNDER WHICH SAID LAW LIBRARY IS TO BE OPERATED.

BY REASON OF THE NUMBER OF BOOKS WHICH HAD PREVIOUSLY BEEN REMOVED FROM THE LAW LIBRARY AND THE NUMBER WHICH HAD NOT BEEN RETURNED, DECISION HAS BEEN BADE THAT PUBLIC USE OF SAID LAW LIBRARY WOULD ONLY BE ALLOWED AT TIMES WHEN A LAW LIBRARIAN IS PRESENT. FOLLOWING THE MEETING OF SEPTEMBER 25, L975, DECISION WAS MADE TO STAND FIRM ON THE PRIOR DECISION ADOPTED BY THE BOARD OF TRUSTEES

FOR THE SHASTA COUNTY LAW LIBRARY AND THAT ACCESS TO SAID LIBRARY SHOULD NOT BE ALLOWED BY THE PUBLIC WITHOUT THE PRESENCE OF THE LAW LIBRARIAN.

AT THE PRESENT TIME THE BOARD OF TRUSTEES IS SEEKING THE EMPLOYMENT OF A FULL-TIME LAW LI LIBRARIAN. UPON SECURING THE SAME, THE LAW LIBRARY WILL BE OPEN FOR PUBLIC USE AT ALL TIMES.

VERY TRULY YOURS,

SHASTA COUNTY LAW LIBRARY COMMITTEE

/S/ _____
HONORABLE RICHARD B. EATON, MEMBER

/S/ _____
ROBERT L. SRITE, ACTING SECRETARY

TED ROBERTS
STATE COMMANDER & CHAIRMAN
CALIFORNIA VETERANS GRIEVANCE COMMITTEE
BOX 1143
ANDERSON, CALIF. 96007
PHONE (916) 365 - 4992

DEAR MINTA H. REICHEL:

WE ARE IN SUPPORT OF YOUR STRUGGLE FOR EQUAL ACCESS TO THE SHASTA COUNTY LEGAL LIBRARY, AND IT APPEARS, STRONGLY, YOU ARE NOT ALTOGETHER WRONG WHEN YOU FEEL EACH CITIZEN SHOULD BE EQUAL TO ANY ATTORNEY (WHO GETS A FREE RIDE ON WE TAX PAYERS DOLLAR, AND USES SUCH LEGAL BOOKS TO GAIN A PROFITABLE END FOR HIMSELF) AND YOUR NOTICE IS WELL TAKEN AS TO THE INTENT OF THE CHOSEN FEW.

SUCH ILLEGAL AND DISCRIMINATORY PRACTICE SHOULD CEASE, NEXT THE ELECTED BOARDS WILL REFUSE US OUR OTHER LIBRARIES, THEN THEY WILL TELL US WHAT WE CAN BE KNOWLEDGEABLE OF, AND WHAT WE CANNOT.

AS A LARGE TAXPAYER, FOR MANY YEARS, IN THIS COUNTY, I AM BEYOND WORDS AS TO THE

CHOSEN FEWS, REFUSAL OF THE MASSES TO OPENLY USE THE LAW LIBRARY, AFTER ALL WE PAID FOR IT, PAID THE THE EMPLOYEES WAGES, THE UTILITIES ETC. ARE THE CHOSEN FEW TELLING THE ALL OF US THAT THE LAWS ARE ONLY TO BE SOUGHT OUT BY THE ATTORNEY'S? IF SUCH BE FACT, THEN dOES NOT ONE HAVE THE RIGHT TO PRESUME THAT KNOWLEDGE OF THE LAWS, THE ASSISTANCE OF THE LAWS, ARE REFUSED A CITIZEN BY WHAT STRANGELY SEEMS A GROUP OF ATTORNEYS AND HANKY PANKY POLITICS?

MAY I ASK,WHY THE ATTORNEY'S CAN CHECK LAW BOOKS OUT, BUE WE ARE FORBIDDEN SUCH PLEASURE, IN DEFENSE OF OUR RIGHTS AND VESTED GUARANTEES OF THE U.S. CONSTITUTION? IS IT THEIR WORDS THAT LAYMEN ARE INCAPABLE OF UNDERSTANDING THE WRITTEN LAWS, OR IS IT A CASE OF REFUSING ALL OF US SUCH TO CAUSE A CESSATION OF OUR RIGHTS TO SELF DEFENSE AND REPRESENTATION?

NO DOUBT YOU HAVE CONSIDERED A TAX PAYERS

SUIT, A JOINT ACTION ON BEHALF OF THE MANY. IN THE LAST FOUR YEARS I HAVE WON TWENTY-SIX (26) FEDERAL CASES, AND EIGHTEEN (18) STATE CASES, ALL FILED WITHIN THE FEDERAL DISTRICT COURT IN S.F. MUCH OF MY LAW STUDY AND FINDINGS WERE OBTAINED IN THE LAW LIBRARY IN NAPA COUNTY, FOR IT DOES NOT REFUSE A CITIZEN HIS RIGHT TO USE SAID LAW LIBRARY.

AGREED, I COMPILED THE CASES, THE SUPREME COURT DECISIONS, STATE DECISIONS, ALL THE DATA OUR ATTORNEYS, WHEN THEY GO TO PRE-TRIAL THEY HAVE ALL THE EVIDENCE THEY NEED, AND MORE.

NO DOUBT YOU SENSE I REPRESENT THOUSANDS OF VETERANS, AND AM A CONSTANT READER OF MANY FIELDS OF LAW, SUCH OBTAINED IN FREE LIBRARIES, PURCHASED LAW BOOKS, STATE AND FEDERAL AGENCY LAWS, ALL ARE PUBLIC, WHY NOT THE SHASTA CO. LAW LIBRARY PUBLIC? NO DOUBT THE "ROOTS"OF SAID ABUSIVE ACTIONS

CAN BE FOUND IN THE POLITICAL STRUCTURE OF THIS SHABBY MESS. MY ATTORNEYS WELCOME MY YEARS OF KNOWLEDGE, AND IT SAVES ME FIFTY-DOLLARS ($50.00) AN HOUR LEGAL FEES.

I CANNOT BEGIN TO TELL YOU OF THE CASES I HANDLE, I RESEARCH, I BRIEF FOR OUR ATTORNEYS, THEY NEVER CEASE WONDERING HOW I OBTAIN FACTS THAT EVEN "WRITTS OF DISC-OVERY" DO NOT UNCOVER.

AS EACH CITIZEN IS VESTED WITH THE RIGHT TO DEFEND, OR TO PROTECT IN HIS OWN BEHALF, HOW CN HE IF HE DOES NOT HAVE THE LEGAL TOOLS TO COME ABOUT GOODLY LEGAL ENDS? DO THE ATTORNEYS HAVE A "CORNER" ON ALL LAW EDUCATION? SUCH APPEARS TO ME A DIRECT BARR TO YOUR AND OTHERS RIGHTS TO KNOWLEDGE ---A SACRED RIGHT. WE OFTEN HEAR, "KNOW THE LAWS," HOW CAN SUCH COME ABOUT WHEN GOODLY PLEADS ARE TREATED MUCH LIKE "GIVING MEDICINE TO THE DEAD?"

I DEEPLY ADMIRE YOU FOR WHAT YOU ARE ABOUT, AND KNOW SUCH STRUGGLE WILL BE,

AND HAD BEEN, CLOAKED IN POLITICAL ABUSES. I HAVE FOUND THAT COURT ACTIONS ARE MUCH MORE DESERVING OF MY TIME THAN SITTING BEFORE A SEEMENLY GROUP OF DEGENERATES, SUCH CARRIES NOT ONLY IN LOCAL ISSUES BUT IN THE STATE CAPITOL AND IN WASHINGTON D.C. IT TOOKE ME YEARS TO OBTAIN THE KEY THAT CUTS ALL THE RED TAPE THAT CHOKES THE FIGHT OF AN ISSUE TO DEATH.

AGAIN I SUPPORT YOUR MOST WORTHY CONFRONTATION, AND PRAY YOU THE RELIEF YOU SO RIGHTFULLY ARE DESERVING OF, SUCH, IN THE END, WILL AFFECT MANY WHO DESIRE THE RIGHT TO THE LEGAL LIBRARY.

MY KIND REGARDS ATTEND YOU,

/s/ TED ROBERTS

APP-G1, 114a
8-8-77

DEAR MRS. REICHEL,

AGREE WITH YOU 100%---KNOW A LOT OF OTHERS IN AREA WHO DO TOO---

WOULD LIKE TO TALK TO YOU PERSONALLY SOME TIME----

LEAGUE OF WOMEN VOTERS ARE INTERESTED IN THIS ISSUE ALSO.

GOOD LUCK IN YOUR VENTURE INTO NENVER, NEVER LAND ----

SINCERELY,

/s/ STUART M. OLIVER
2762 RUSSELL STREET
REDDING, CALIF. 96001

APP-H1, 115a

C.F. SMITH
ST.RT. 2, BOX 149
BURNEY, CA 96013
8-26-77
ph 335-4710

MINTA H. REICHEL
P.O. BOX 2304
REDDING, CA

DEAR SIR:

I AGREE WITH YOUR STAND. ISN'T THIS LAW LIBRARY ALSO SUPPORTED BY US COUNTY AND STATE RESIDENTS THRU THE BOARD OF SUPERVISORS FOR SHASTA COUNTY?

/s/ CHARLES F. SMITH

(CITY OF REDDING, CALIFORNIA)
LEGAL NOTICE

ORDINANCE NO. 944
(FILED OCTOBER 9, 1967)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDDING AMENDING THE REDDING CITY CODE, 1959, AS AMENDED. BY REPEALING SECTION 19-20 AND SUBSTITUTING THEREFORE A NEW SECTION 19-20 PERTAINING TO THE OBSTRUCTION OF NATURAL WATER CHANNELS, PERMITS THEREFOR AND STORM DRAINAGE CONSTRUCTION STANDARDS.

THE CITY COUNCIL OF THE CITY OF REDDING DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. THE REDDING CITY CODE, 1959, AS AMENDED, IS HEREBY AMENDED BY REPEALING SECTION 19-20 AND SUBSTITUTING THEREFOR A NEW SECTION 19-20, AS FOLLOWS:

"SECTION 19-20. OBSTRUCTION OF NATURAL WATER CHANNELS, PERMITS THEREFOR, AND STORM DRAINAGE CONSTRUCTION STANDARDS.

NO PERSON SHALL IN ANY MANNER FILL OR

OBSTRUCT ANY NATURAL WATER CHANNEL, INCLUDING, NATURAL STORM WATER CHANNELS WITH THE BOUNDARIES OF THE CITY WITHOUT FIRST APPLYING FOR AND OBTAINING A WRITTEN PERMIT FOR SUCH PURPOSE FROM THE DIRECTOR OF PUBLIC WORKS. ALL CONSTRUCTION OF BRIDGES, CONDUITS, BOX CULVERS, OR OTHER STORM DRAINAGE IMPROVEMENTS ACROSS, ALONG OR IN A NATURAL WATER CHANNEL SHALL BE CONSTRUCTED AND INSTALLED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS ESTABLISHED BY THE CITY COUNCIL BY RESOLUTION, COPIES OF WHICH SHALL BE ON FILE IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS AND THE OFFICE OF THE BUILDING INSPECTOR, TO WHICH REFERENCE SHOULD BE MADE FOR PARTICULARS.

THE CITY COUNCIL MAY AMEND OR CHANGE SUCH REGULATIONS AND STANDARDS FROM TIME TO TIME HEARAFTER BY RESOLUTION.

THE DIRECTOR OF PUBLIC WORKS SHALL CONDITION ALL PERMITS ISSUED PURSUANT TO THIS

SECTION IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS APPLICABLE TO THE FILL OR OBSTRUCTION PROPOSED TO BE CONSTRUCTED. A COPY OF THIS SECTION OF THE CODE SHALL BE ATTACHED TO ALL PERMITS ISSUED PURSUANT TO THIS SECTION." (EMPHASIS ADDED).

SECTION 2. THE CITY CLERK OF THE CITY OF REDDING SHALL CERTIFY TO THE ADOPTION OFTHIS ORDINANCE AND SHALL CAUSE IT TO BE PUBLISHING IN ACCORDANCE WITH LAW.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS INTRODUCED AND READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF REDDING ON THE 18th DAY OF SEPTEMBER, 1967, AND DULY READ AND ADOPTED ON THE 2ND DAY OF OCTOBER, 1967, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF REDDING BY THE FOLLOWING VOTE:

AYES: COUNCILMEN: DENNY, DOHERTY, FULTON CHATFILD

NOES: COUNCILMEN: NONE

ABSENT: COUNCILMEN : MOTY

/s/ ROBERT R. CHATFIELD
ROBERT R. CHATFIELD
VICE MAYER OF THE CITY OF REDDING

ATTEST: /MILDRED L. BRAYTON I
MILDRED L. BRAYTON, CITY CLERK

FORM APPROVED:

/EARL D. MURPHY
EARL D. MURPHY
CITY ATTORNEY

OCTOBER 9, 1967

(EMPHASIS ADDED)

MINUTES OF THE SHASTA COUNTY LAW LIBRARY

BOARD OF TRUSTEES MEETING

A MEETING OF THE BOARD OF TRUSTEES OF THE SHASTA COUNTY LAW LIBRARY WAS HELD IN THE CHAMBERS OF HONORABLE CLYDE SMALL ON OCTOBER 31, 1974.

PRESENT: JUDGE CLYDE SMALL
HENRY KEEFER
LAURENCE CARR
AL CUNNINGHAM

ABSENT: JUDGE RICHARD EATON
JUDGE R.W. ABBE

(PARAGRAPHS 1. ----4 AND 7. ---10. NOT PERTINENT TO ISSUE.)

5. THE SECRETARY WAS AUTHORIZED AND DIRECTED TO CIRCULARIZE THE BAR AND TO DEPLORE THE LACK OF FORMALITY PRESENTLY EXISTING WITH RESPECT TO THE REMOVAL AND RETURN OF BOOKS. THE MEMBERS OF THE BAR WERE PARTICULARLY ASKED TO SEARCH THEIR OFFICES AND LIBRARIES FOR ANY BOOKS BELONGING TO THE COUNTY LAW LIBRARY AND TO HAVE THEM RETURNED.

6. THE BOARD DETERMINED THAT AS SOON

AS A DECISION IS MADE WITH RESPECT TO THE RETENTION OR CHANGE OF QUARTERS FOR THE LIBRARY, A KEY SYSTEM WILL BE INSTALLED WHEREBY THE BAR ALONE WILL HAVE KEYS. THE LIBRARY WILL BE OPEN AT CERTAIN HOURS OF THE DAY FOR THE PUBLIC. SAID HOURS ARE TO BE POSTED AND AT THOSE TIMES THERE WILL BE AN ACTING OR PERMANENT LIBRARIAN PRESENT TO SUPERVISE THE CONTROL OF THE BOOKS.

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED.

RESPECTFULLY SUBMITTED

/s/LAURENCE W. CARR, SEC.
LAURENCE W. CARR, SEC."

MINTA H. REICHEL
P.O. BOX 2304
REDDING, CA 96001

JANUARY 23, 1978

OFFICE OF THE CLERK
SUPREME COURT OF THE
STATE OF CALIFORNIA
LIBRARY AND COURTS BLDG.
SACRAMENTO, CA 95814

DEAR SIR:

AS I AM ALLOWED THE USE OF THE SHASTA COUNTY LAW LIBRARY ONLY TWO HOURS PER DAY FIVE DAYS A WEEK I HAVE BEEN TOO SICK WITH A COLD VIRUS TO TRAVEL TO THE LAW LIBRARY AT THE UNIVERSITY OF CALIFORNIA AT DAVIS IN ORDER TO COMPLETE MY RESEARCH FOR THE PETITION FOR HEARING BEFORE THE SUPREME COURT, I RESPECTFULLY REQUEST AN EXTENSION OF SEVEN (7) DAYS TO COMPLETE MY PETITION.

RESPECTFULLY SUBMITTED,

/s/ MINTA H. REICHEL
APPEARING IN PRO PER

CC: LAUGHLIN CRAIG & CHRISTENSEN
P.O. BOX 676, CHICO, CA 95926
RICH FUIDGE MARSH & MORRIS
P.O. DRAWER A, MARYSVILLE, CA 95901

APP-K1, 123a

OFFICE OF THE CLERK
SUPREME COURT OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA
G.E. BISHEL, CLERK

JANUARY 25, 1978

MINTA H. REICHEL

P.O. BOX 2304, REDDING, CALIF. 96001

RE: 3CIV 16263 - REICHEL V OCHINERO
CONSTRUCTION COMPANY

DEAR MINTA REICHEL:

THE COURT DOES NOT EXTEND THE TIME TO FILE A PETITION FOR HEARING. THE LAST DAY TO TIMELY FILE A PETITION FOR HEARING WAS JANUARY 23, 1978.

VERY TRULY YOURS,

G.E. BISHEL

CLERK OF THE SUPREME CT.

BY J.L. KAVANAGH

CHIEF DEPUTY

JLK: ct

CC: MESSRS. LAUGHLIN, CRAIG & CHRISTENSEN

MESSRS. RICH, FUIDGE, MARSH, & MORRIS

APP-K1, 124a

OFFICE OF THE CLERK
SUPREME COURT OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA
G.E. BISHEL, CLERK

FEBRUARY 3, 1978

MS. MINTA H. REICHEL
P.O. BOX 2304, REDDING, CALIF. 96001

RE: 3 CIV. 16263- REICHEL V. OCHINERO CONSTRUCTION COMPANY

DEAR MS. REICHEL:

YOUR LETTER REQUESTING RELIEF FROM DEFAULT AND THE PETITION FOR HEARING WERE PRESENTED TO THE COURT FOR ITS CONSIDERATION.

THE COURT DIRECTED THAT YOUR PETITION FOR HEARING BE RETURNED FOR THE REASON THAT IT WOULD NOT GRANT THE PERMISSION NECESSARY TO ALLOW THE UNTIMELY FILING.

ENCLOSED FIND A COPY OF THE COURT'S POLICY STATEMENT IN THIS REGARD, TOGETHER WITH YOUR CHECK FOR $25.00.

VERY TRULY YOURS,

JLK:CT
ENCLOSURES
cc:IVERSON
CHRISTENSEN

G.E. BISHEL
CLERK OF THE SUPRME CT.

BY: J.L. KAVANAGH
CHIEF DEPUTY

MINTA H. REICHEL
P.O. BOX 2304
1945 SHASTA STREET
REDDING, CALIF., 96001

MAY 13, 1976

TO THE HONORABLE JUDGES OF THE SUPERIOR COURT, RICHARD C. BRENNAN, SHASTA COUNTY CLERK, SHASTA COUNTY COURT HOUSE, COURT STREET, REDDING CALIFORNIA, 96001

HONORABLE JUDGE EATON:

HONORABLE JUDGE ABBE:

HONORABLE JUDGE SMALL:

IN THE PASY YEARS THE LAW LIBRARY WAS OPEN TO THE PUBLIC FROM 8 AM TO 5PM AND THE PUBLIC WAS ALLOWD TO ENTER AND RESEARCH A SUBJECT OR CODE. HOWEVER,THIS IS NO LONGER THE CASE AND THE TWO HOURS ONLY FROM 3PM TO 5 PM IS HARDLY ADEQUATE TO RESEARCH A CODE AND BE SURE OF THE FORM TO USE AND CAUSES PROBLEMS IN FILING INCORRECTLY AS I DID WITH THE STANDARD WRIT OF ATTACHMENT AND OTHER CODES THEREIN, AS WELL AS THE FORM FOR A HEARING IN MY ATTEMPT TO CROSS-FILE. FURTHER, THE BOOKD NEEDED WAS NOT

AVAILABLE TO ME ON THE SHELF UNTIL MAY 11th. I UNDERSTAND THE PROBLEMS OF THIEVERY AND DAMAGE TO THE BOOKS, HOWEVER, THERE SHOULD BE A WAY TO ALLOW THOSE OF US WHO NEED THESE BOOKS TO USE THEM.

I THEREFORE RESPECTFULLY REQUEST PERMISSION TO HAVE ACCESS TO THE LIBRARY AT OTHER HOURS OF THE DAY, WHILE I ATTEMPT TO PRESENT MY CASE TO THE COURT.

*PROBATE #12612

SINCERELY,

/s/MINTA H. REICHEL
MINTA H. REICHEL,
PLAINTIFF,
CIVIL CASES #54512
#54513
APPEARING IN PROPRIA
PERSONNA

CC: HONORABLE JUDGE EATON
HONORABLE JUDGE ABBE
HONORABLE JUDGE SMALL

APP-M1, 127a

JUNE 11, 1976
MINTA H. REICHEL
P.O. BOX 2304
REDDING, CA. 96001
TELEPHONE (916) 241-6772

HONORABLE JUDGE ABBE:
JUDGE OF THE SUPERIOR COURT
RICHARD C. BRENNAN, SHASTA CO. CLERK,
COURT STREET
REDDING, CALIF., 96001

HONORABLE JUDGE ABBE:

THANK YOU VERY MUCH FOR ACCEPTING MY LETTER OF MAY 13, 1976 (COPY ATTACHED FOR CONVENIENCE OF OTHER JUDGES), AND PRESENTING IT TO THE BOARD OF DIRECTORS FOR THE LAW LIBRARY. THAT THEY REFUSED TO CONSIDER MY REQUEST FOR PERMISSION FOR FULL USE OF THE LAW LIBRARY IN THAT I HAVE A CASE BEFORE THE CUPERIOR COURT, WAS QUITE A SHOCK, FOR IT HAS CREATED GREAT HARDSHIP FOR ME TO RESEARCH AND PROPERLY PREPARE MY CASE FOR PRESENTATION.

IN FACT ON WEEKENDS, I HAVE TRAVELED AS FAR AS THE MILLS TOWER LIBRARY ON BUSH ST. IN SAN FRANCISCO, AS WELL AS OTHER LIBRAR-

IES OPEN ON SATURDAY AND SUNDAY IN ORDER TO TRY TO DO THINS RIGHT.

FURTHER, THERE IS LEGAL AID FOR THE DESTITUTE, CORPORATIONS HAVE THEIR ATTORNEYS ON RETAINOR,

BUT, FOR THOSE WHO HAVE A CASE THAT DOES NOT QUALIFY FOR BUSINESS DEDUCTION, NOR HAVE A GREAT CASH BACKGROUND, APPARENTLY, THERE IS NO JUSTICE!.

THAT THIS IS THE JUSTICE I ENLISTED FOR IN IN THE SERVICE IN WWII, AND IN FACT, RECEIVED A CAPTAIN'S COMMENDATION FOR SERVICE ABOVE AND BEYOND THE CALL OF DUTY, IS A SHOCK. THE APPARENT ATTORNEY'S MONOPOLY DOES NOT APPLY TO THEM, ONLY FOR THE CORPORATIONS WHO HIRE THEIR SERVICES.

I MUST ADD HERE, THAT JUDGE EATON REFUSED TO ACCEPT THE LETTER, RETURNED IT TO ME.

THAT JUDGE SMALL WAS NOT IN THE COURT HOUSE THAT DAY, SO DID NOT HAVE THE PRIVILEGE TO ACCEPT OR REJECT THE REQUEST.

IN THE MEANTIME, I SHALL CONTINUE TO TRY, NOT ONLY TO KEEP FROM LOSING MY CASE THR-ROUGH DEFAULT OF STATUTE OF LIMITATIONS, BUT ALSO, TO FIND AN ATTORNEY WHO HAS THE COURAGE TO GO AGAINST THE ESTABLISHMENT.

SINCERELY,

/s/MINTA H. REICHEL
APPEARING IN PROPRIA
PERSONNA

CC: JUDGE EATON
JUDGE SMALL

BENJAMIN A. HARRIS
SECRETARY

PAUL STATHEM
CHAIRMAN

CITY OF REDDING PLANNING COMMISSION
REGULAR MEETING, 2:00 PM
JANUARY 13, 1970
COUNCIL CHAMBERS, 1313 MARKET STREET
REDDING, CALIFORNIA

"USE PERMIT APPLICATION UP-109-69 BY E.H. OCHINERO, REQUESTING AN OFFICE WITH A REDUCED FRONT YARD SETBACK ON PROPERTY LOCATED AT 1330 WEST STREET IN AN "R-4" MULTIPLE FAMILY DISTRICT.-----THE PLANNING DIRECTOR REFERRED TO A DIAGRAM OF THE PROPOSED CONSTRUCTION AND INDICATED WHERE THE NEW BUILDING WAS PLANNED TO BE LOCATED WITH THE PARKING LOT TO BE ON THE BACK OF THE PROPERTY. HE NOTED THAT PARKING WAS PLANNED TO BE USED JOINTLY WITH AN OFFICE, WITH A JOINT-USE DIVEWAY. THE PLANNING DIRECTOR ILLUSTRATED AN OPEN DRAINAGE DITCH THROUGH THE PROPOSED PARKING AREA. HE SAID THE DITCH IS PROPOSED TO BE COVERED; AND WHETHER OR NOT THE JOINT DIRVEWAY ..

USED, COVERING DRAINAGE DITCH IS ESSENTIAL TO THE DEVELOPMENT.-----MRS. MINTA REICHEL 1945 SHASTA STREET, SAID SHE HAD DISCUSSED THE USE PERMIT WITH CARL ARNESS. SHE ILLUSTRATED THE LOCATION OF THE CREEK AND THE PROPERTY SHE OWNS. SHE NOTED FLOODED AREAS WHEN THE DRAINAGE OVERFLOWED AND AGREED THAT THE DITCH SHOULD BE COVERED. MRS. REICHEL DREW DIAGRAM ILLUSTRATING THE SUBJECT PROPERTY, THE CREEK, AND HER PROPERTY SHE DISCUSSED HISTORIC FLOODING CONDITIONS AND EXPRESSED HER CONCERN WITH WHAT WOULD HAPPEN TO FLOOD WATERS WHEN THE DITCH IS COVERED THROUGH THE SUBJECT PROPERTY. THE CITY ENGINEER COMMENTED ON DRAWING PREPARED BY BILL WOODWARD AND THE MASTER STORM DRAINAGE PLANS CALL FOR 60-INCH I.D PIPE. HE DISCUSSED A MULTIPLATE ARCH BASED ON 60-INCH INNER DIAMETER PIPE. THE CITY ENGINEER SAID THE DESIGN IS FOR A 25 YEAR FREQUENCY. THE CITY ATTORNEY SAID

IT WAS INTENDED THAT THE TOP OF THE ASPHALT BE AT AN ELEVATION WHICH WILL PERMIT FLOWS IN EXCESS OF THE CAPACITY OF THE PIPE TO GO OVER-LAND. MRS. REICHEL SAID SHE REALIZED THERE IS NO OBLIGATION FOR ANYONE TO IMPROVE HER PROPERTY BUT DOESN'T WANT ANYTHING BUILT THAT WILL FLOOD HER PROPERTY. THE CITY ATTORNEY SAID IT WOULD THEN BE MRS. REICHEL'S RESPONSIBILITY TO SHOW THAT THIS STRUCTURE CAUSED FLOODING. THE CITY IS NOT REQUIRED TO DESIGN A STORM DRAIN BEYOND THE CAPACITY OF A TEN-YEAR STORM, AND WE ARE NOT ALLOWED TO DIVERT STORM WATERS BEYOND THEIR NATURAL PATH. THE CHAIRMAN SAID IT IS UNDERSTOOD THAT THE CITY HAS AN OBLIGATION TO SEE THAT THIS IS DONE PROPERLY. THE CITY ATTORNEY SAID WE CAN'T GUARANTEE THAT MRS. REICHEL) WON'T BE SANDBAGGING AGAIN. THE CITY ENGINEER EXPLAINED STORMS THAT MIGHT OCCUR ONCE IN TEN YEARS AND SAID THERE

HAVE BEEN MANY STORMS ABOVE THIS FIGURE. --------THE PLANNING DIRECTOR SAID THE DRAINAGE DITCH AND THE ACCESS WERE THE MAIN PROBLEMS; AND IF THE COMMISSION CONCURS IN THE PROPOSED DEVELOPMENT, HE WOULD RECOMMEND APPROVAL SUBJECT TO (1) RECORDING OF ACCESS AGREEMENT ACROSS ZAGARIS PROPERTY.-----AND (4) COVERING THE DRAINAGE DITCH AS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS. THE CITY ENGINEER SAID AN EASMENT FOR THE EXISTING SEWER THROUGH THE PARKING LOT IS NEEDED AND IT SEEMS THAT WHEN THIS DEVELOPMENT GOES IN THE SEWER WILL BE RELOCATED. THE CITY ATTORNEY SAID THE DRAINAGE DITCH WOULD INTERFERE WITH THE SEWER. THE CHAIRMAN SAID IF THIS OCCURS IT IS PROVIDED FOR IN THE CONDITIONS RE COVERING THE DRAINAGE DITCH TO THE SATISFACTION OF PUBLIC WORKS. THE CITY ATT ORNEY SAID IT OUGHT TO BE SPECIFIED AS A MATTER OF PUBLIC RECORD. MR. ZAGARIS OB-

JECTED TO HAVING TO CHANGE THE SEWER AND PUT IN THE CULVERT. THE CITY ATTORNEY SAID MR. ZAGARIS HAS A PRESCRIPTIVE EASEMENT FOR A SEWER LINE THROUGH HIS PROPERTY. THE CITY ATTORNEY SAID WE HAVE AN ORDINANCE THAT PROVIDES A NATURAL DRAINAGE COURSE, WHEN YOU REDUCE THE CAPACITY OF A NATURAL DRAINAGE COURSE, YOU OBSTRUCT IT. -----COMMISSIONER GREENLEAF MOVED APPROVAL OF UP-109-69, SUBJECT TO THE FOUR CONDITIONS OUTLINED BY THE PLANNING DIRECTOR. COMMISSIONER WILLIAMSON SECONDED THE MOTION. THE CITY ATTORNEY ASKED IF COMMISSIONER GREENLEAF WERE POSSIBLY LEAVING OUT THE SEWER QUESTION. COMMISSIONER GREENLEAF SAID HE THOUGHT THAT WAS COVERED IN THE CONDITION RE THE DRAINAGE DITCH. THE CITY ATTORNEY SAID HE WOULD LIKE THE RECORD TO SHOW THAT THERE IS A SEWER LINE AND THAT IF THEY LOWER THE DRAINAGE CHANNEL, THEY VERY LIKELY WILL HAVE TO TAKE

CARE OF RELOCATION OF THE SEWER LINE. COMMISSIONER GREENLEAF FELT THAT THE MINUTE RECORD WOULD SHOW HIS OPINION. THE CHAIRMAN CALLED FOR A VOTE ON THE MOTION WHICH CARRIED UNANIMOUSLY."

MOTION TO QUASH SERVICE

TUESDAY, JULY 6, 1976

(PROCEEDINGS BEFORE HONORABLE CLYDE SMALL JUDGE OF THE SUPERIOR COURT PRESIDING. THE PLAINTIFF APPEARED IN PROPRIA PERSONNA. THE DEFENDANT WAS REPRESENTED BY FRANKLIN S. CIBULA, ATTORNEY AT LAW.)

PROCEEDINGS

THE COURT: NUMBER 54512, REICHEL VS CIBULA, ET AL

MR. CIBULA: YES, YOUR HONOR. THAT WAS OUR MOTION, AND THE MOTION DID EXACTLY WHAT I HOPED IT WOULD DO, AND THAT IS IT PROMPTED WHAT I BELIEVE NOW IS EFFECTIVE SERVICE. THE REASON FOR THE MOTION IS THAT I RECEIVED A LOT OF MATERIAL IN THE MAIL AND I DIDN'T WANT TO BE FORCED TO DECIDE WHAT I MIGHT ANSWER OR WHAT THE CLERK MIGHT BE RECEIVING A DEFAULT ON. SO AT THIS POINT I THINK THE MOTION COULD BE GRANTED BUT IT IS MOOT. BUT I WOULD

BUT I WOULD ASK TO, SAY, JULY 20th, TO ANSWER.

THE COURT: WELL, IT IS ENTIRELY MOOT IF THERE HAS BEEN A NEW SERVICE.

MR. CIBULA: YES, BUT I DON'T WANT ANY POSSIBLE DEFAULT DURING THE PERIOD OF THAT SERVICE. I BELIEVE IT WAS ON THE 18TH. I AM NOT POSITIVE.

THE COURT: WELL, I THINK YOU CAN DEPEND ON THE CLERK'S OFFICE NOT TO ENTER A DEFAULT UNLESS THERE IS PROOF OF VALID SERVICE.

MR. CIBULA: THAT'S ALL I WANTED ON THIS MOTION.

THE COURT: THERE IS A VALID SERVICE NOW?

MR. CIBULA: THERE WAS A VALID SERVICE ON JUNE 18TH.

THE COURT ALL RIGHT. WELL, I GATHER FROM THE RECORD THAT THERE WAS NO PERSONAL SERVICE BY CONSTABLE, SHERIFF OR MARSHALL AND THAT MANY PAPERS WERE SIMPLY SERVED BY MAIL?

MR. CIBULA: YES, IN A VERY ODD SEQUENCE OF ENVELOPES.

THE COURT: WAS IT YOUR INTENTION TO MAKE SERVICE IN THIS MANNER, MRS. REICHEL, OR WERE YOU SIMPLY SENDING THIS FOR INFORMATIONAL PURPOSES?

MRS. REICHEL. NO. FRANKLY I DID'T KNOW I HAD TO SERVE A SUMMONS. THIS WAS DUE TO A LACK OF THE PRIVILEGE OF THE LIBRARY. I HAVE ONLY TWO HOURS A DAY. IT IS VERY BAD.

THE COURT: LET ME TELL YOU SOMETHING. IF YOU KNOW WHAT YOU ARE DOING IT TAKES TEN MINUTES TO RESEARCH HOW TO SERVE A PAPER, NOT TWO HOURS, NOT ONE DAY. AND LET (ME) POINT OUT SOMETHING ELSE. PEOPLE WHO ARE PRACTICING BEFORE THIS COURT, AS LAWYERS OR AS PRO PERS, IT IS NOT CONTEMPLATED THAT THEY WILL USE THE LIBRARY AS A PROFESSIONAL LIBRARY. THAT IS A SUPPLEMENT TO THE LAWYERS'S LIBRARY OF LITIGANTS AND

AND COUNSEL BEFORE THE COURT.

SO IF YOU ARE TAKING THE POSITION THAT SOMEHOW THIS IS ALL THE BOARD OF TRUSTEES' FAULT YOU ARE RUNNING DOWN A BLIND ALLEY. YOU CAN GET A COPY OF THE CODE OF CIVIL PROCEDURE VERY ECONOMICALLY FOR LESS THAN A HALF HOUR OF A LAWYER'S TIME, AND IT IS ALL IN THE CODE OF CIVIL PROCEDURE.

MRS. REICHEL: MAY IT PLEASE THE COURT, IN RESPONSE TO MR. CIBULA, IN RELATION TO HIS APPEARANCE ON MAY 24th AT THE PROBATE COURT, HE AT THAT TIME ACKNOWLEDGED SERVICE, AND SIMPLY BY APPEARANCE, AND IN ACCORDANCE WITH---

MR. CIBULA: (INTERPOSING) MRS. REICHEL, THAT WAS A PROBATE PROCEEDING AND NOTHING TO DO WITH THIS.

THE COURT: THAT WASN'T IN THIS ACTION, WAS IT?

MR. CIBULA: NO. IT WAS IN THE PROBATE COURT.

THE COURT: UPON MRS. REICHEL'S ACKNOWLEDGEMENT THAT SHE WAS NOT PURPORTING TO MAKE SERVICE, NO FURTHER ORDER IS NECESSARY. AND SERVICE HAS BEEN MADE NOW SO THERE IS NOTHING BEFORE THE COURT AT THIS TIME.

MR. CIBULA: THANK YOU, YOUR HONOR.

REPORTER'S TRANSCRIPT ON APPEAL

----- #54512

COUNSEL:

FOR THE PLAINTIFF AND CROSS-DEFENDANT

MINTA H. REICHEL, IN PROPRIA PERSONA

FOR THE DEFENDANTS AND CROSS-COMPLAINENTS

CIBULA & CIBULA, ATTORNEYS AT LAW

BY: FRANKLIN S. CIBULA,
ATTORNEY AT LAW

---o0o---

ALBERT C. PETERSON
OFFICIAL COURT REPORTER
COURTHOUSE
REDDING, CALIFORNIA

C.S.R. NO 627

PP 9 - 10: (Ex. Rec. pp 406-407)

"DEMURRER TO AMENDED COMPLAINT AND MOTION

FOR CHANGE OF VENUE

MONDAY, NOVEMBER 1, 1976

(PROCEEDINGS BEFORE HONORABLE CLYDE SMALL

JUDGE OF THE SUPERIOR COURT PRESIDING.

THE PLAINTIFF MINTA REICHEL APPEARED IN

PROPRIA PERSONA. FRANKLIN S. CIBULA,

PROCEEDINGS

THE COURT: NUMBER 54512, REICHEL VS CIBULA.

MR. CIBULA: MRS. REICHEL WANTS A CONTINUANCE, AND I DO TOO.

THE COURT: WELL, CERTAINLY I AM WILLING TO GIVE HER A CONTINUANCE, BUT I AM BOTHERED BY THE STATE OF THE RECORD.

I HAVE A MOTION HERE WHICH DOESN'T REALLY FIT ANY OF THE RUELS OF COURT. IT IS KIND OF IN BETWEEN.

THE MOTION CITES 170.6, BUT, OF COURSE, IT IS INVALID AS A 170.6 MOTION BECAUSE YOU CAN'T CHALLENGE THE WHOLE JUDICIARY OF CALIFORNIA UNDER 170.6.

WAS THAT YOU INTENTION, OR WHAT DID YOU WANT TO DO?

MRS. REICHEL: YOUR HONOR, I AM HAVING TROUBLE SPEAKING THIS MORNING. BUT IN THE MATTER OF THE CIVIL CODE OF PROCEDURE IT STATED THAT WITHIN THAT CODE YOU WOULD

ALSO HAVE TO CITE 170.6 BECAUSE THERE IS NOT---IT STATED RIGHT IN THE REFERENCE TO WITKI_, WHICH ATTACHED ON THE MEMORANDUM OF POINTS AND AUTHORITIES.C.C.P.397.4 STATES, LAST GROUND FOR CHANGE "NO GROUNDS FOR DISQUALIFICATION ARE STATED IN THE VENUE STATUTES, AND REFERENCE MUST BE MADE TO C.C.P. 170.6." IN ORDER TO HAVE A CHANGE OF JUDGES.

THE COURT: WELL, AS LONG AS YOU UNDERSTAND THAT YOU CAN ONLY CHALLENGE ONE JUDGE IN ONE ACTION UNDER 170.6. AND YOU ARE PURPORTING TO CHALLENGE ABOUT FIVE OF THEM.

SO YOUR CHALLENGE UNDER 170.6 WON'T BE ALLOWED IN THE PRESENT FORM. IF YOU WISH TO CHALLENGE UNDER 170, SUBDIVISION 5, YOU CAN DO THAT. THAT OF COURSE, RAISES DIFFERENT RECORD REQUIREMENTS. THE REASON I AM TELLING YOU THIS IS BECAUSE YOU HAVEN'T GOT A LAWYER. AND I DON'T WANT YOU TO

COME BACK MEXT TIME AND BE CAUGHT ON A BLIND SPOT.

SO I WILL GRANT THE ORDER FOR A CONTINUANCE TO NOVEMBER 15, 1976, WITH THE UNDERSTANDING THAT YOU MAY WANT TO TAKE A LOOK AT YOUR SUPPORTING PAPERS IN THE MEANTIME.

MRS. REICHEL: YOUR HONOR, IN THAT I AM DENIED THE USE OF THE LAW LIBRARY EXCEPT FROM 3;00 TO 5:00 EVERY AFTERNOON,IT MEANS THAT WHEN I WISH TO WRITE A PAPER I MUST WAIT UNTIL 3:00 TO 5:00 IN THE AFTERNOON TO EVEN CHECK THE RECORDS.

THE COURT: WELL, YOU WILL HAVE ---

MRS. REICHEL: (INTERPOSING) TO EVEN CHECK THE RECORDS AND PREPARE FOR ---

THE COURT: (INTERPOSING) JUST A MINUTE MRS. REICHEL. I DON'T WANT TO HEAR A DIATRIBE ON THE LIBRARY. YOU WILL HAVE A NUMBER OF DAYS, EACH ONE OF WHICH YOU WILL HAVE MORE TIME THAN YOU NEED TO CHECK THAT ONE CODE SECTION. SO IT (IS) UP TO YOU

WHETHER YOU WANT TO CHECK IT AND BE READY NEXT TIME OR WHETHER YOU DON'T.

THE MATTER IS CONTINUED TO NOVEMBER 15TH AS REQUESTED.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

MINUTE BOOK I2
PAGE 425
DATE. NOV. 15, 1976

HON. CLYDE SMALL,
ROGER NELSON DEP.SHERIFF
ARLENE LEWIS, DEP.CLERK
AL PETERSON, REPORTER

#54512

MINTA H. REICHEL,
PLAINTIFF,

VS

FRANKLIN S. CIBULA, ET AL,
DEFENDANTS.

NATURE OF PROCEEDINGS - DEMURRER TO AMENDED COMPLAINT & MOTION FOR CHANGE OF VENUE

PLAINTIFF MINTA H. REICHEL APPEARS IN PROPRIA PERSONA. FRANKLIN CIBULA, ATTORNEY APPEARS FOR THE DEFENDANT.

MRS. REICHEL, IN RESPONSE TO A REQUEST FROM THE COURT, SPECIFIES THAT HER INTENTION IS TO EXERCISE HER CHALLENGE UNDER SECTION 170.6 OF THE CODE OF CIVIL PROCE-

DURE AGAINST JUDGE WETTER.

JUDGE SMALL STATES THAT, THOUGH HE DOES NOT CONSIDER HIMSELF DISQUALIFIED, HE WILL DECLINE TO HEAR ANY FURTHER MATTERS IN THIS CASE BECAUSE THE DEFENDANT IS AN ATTORNEY PRACTICING REGULARLY IN HIS DEPARTMENT, AND REFERS THE MATTER TO DEPARTMENT II FOR FURTHER PROCEEDINGS.

CC: MINTA REICHEL,BOX 2304, REDDING, CA

FRANKLIN CIBULA

/s/ CLYDE SMALL
CLYDE SMALL, JUDGE

PROOF OF SERVICE BY FEDERAL EXPRESS

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY OF SHASTA OF CALIFORNIA.

I AM OVER 18 YEARS OF AGE AND A PARTY TO THE WITHIN ACTION AS A NON-LAWYER LITIGANT IN PROPRIA PERSONNA WITHIN THE ENTITLED ACTION. ON SEPTEMBER 22, 1982 I SERVED THE WITHIN: PETITION FOR CERTIORARI

1. JOHN KENNY, SHASTA COUNTY COUNSEL, SHASTA COUNTY COURTHOUSE, COURT ST, REDDING, CALIFORNIA 96001,

2. JAMES T. FREEMAN OF DIEPENBROCK, WULFF, PLANT & HANNEGAN, 455 CAPITOL MALL, SUITE 800, SACRAMENTO, CA 95814,

3. KATHLEEN E. JOLLY, FRANKLIN CIBULA, P.O. BOX AM, REDDING, CA 96099,

4. DAVID SCHMIDT, PRESLEIGH, AREL AND D DUNLAP, 1745 YUBA STREET, P.O. DRAWER AT, REDDING, CA. 96099

5. W. LEONARD WINGATE, WELLS, WINGATE & SMALL, P.O. BOX 1846, REDDING, CA 96099

6. SOLICITOR GENERAL, DEPARTMENT OF JUSTICE WASHINGTON, D.C. 20530

7. CALIFORNIA STATE ATTORNEY GENERAL, 555 CAPITOL MALL, SACRAMENTO, CA. 95814

Dated: September 22, 198

Sheila L. Kuehl